

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST
EXTRAORDINARY
SESSION OF 1982

HELD IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, MAY 24, 1982



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience.

1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
3. A listing of legislative days, with calendar dates and pages on which each day begins;
4. A topic index of general bills listed alphabetically by subject matter;
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6. A topic index of resolutions;
7. A miscellaneous index, including all items not categorized as bills or resolutions;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY SESSION
OF 1982

FIRST LEGISLATIVE DAY

MONDAY, MAY 24, 1982

BE IT REMEMBERED, that on the 24th day of May, A.D., 1982, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama, do hereby proclaim and direct the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 4:00 o'clock P.M., Monday, May 24, 1982, and I do hereby designate the following subjects and matters, which I as Governor deemed necessary to be considered and acted upon by said Legislature in extraordinary session assembled.

1. Legislation of apportion the members of the Alabama State Senate and the Alabama House of Representatives among districts, which districts, when formed, shall be as nearly equal to each other in number of inhabitants as may be reasonably possible.

2. Legislation to revise, reform, and amend certain provisions of the Code of Alabama relating to criminal law, criminal procedure, and laws relating to confinement in prison and mental health facilities.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 21st day of May, 1982.

FOB JAMES,
Governor.

ATTEST:

DON SIEGELMAN,
Secretary of State.

Pursuant to such proclamation, at the hour of 4 o'clock P.M. on Monday, May 24, 1982, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable George McMillan, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer of the Reverend Coy Barker, Pastor, First Assembly of God, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Teague (B)
Cook	Hilliard	Miller	Teague (J)
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures	Kirkland	Pearson	White

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LEAVE OF ABSENCE

On motion of Mr. Goodwin, leave of absence was granted Messrs. Glass, Hall, St. John, and Taylor for today.

RESOLUTIONS

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Proctor, Little, and Figures.

Mr. Proctor then offered the following Senate Resolution, to-wit:

S. R. 2. SUSPENDING PORTION OF SENATE RULE 2.

BE IT RESOLVED BY THE SENATE, That that part of the Senate Rule 2, which states "The Senate shall meet at 12 o'clock noon on the first day of any organizational, special, or regular session", shall be suspended for this special session only.

Which was adopted.

Mr. Proctor then offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Acts and Journals of the First Special Session of 1982 be bound with the printed Acts and Journals of any future special sessions of 1982.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Mr. Proctor moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 25, 1982, at 4 o'clock P.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Proctor:

S. 1. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

Committee on Judiciary.

By Mr. Denton (with notice and proof):

S. 2. Relating to selling and redeeming lands for taxes in Colbert County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 2, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 3. Relating to Pike County; to authorize the Pike County Board of Education to insure school property with a private insurance company or carrier.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 3, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Keener (with notice and proof):

S. 4. To amend Act No. 81-1192, S. 28, 1981 Third Special Session, entitled, "An Act Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs," so as to provide said uniform maintenance allowance and pay to certain other county personnel and to provide retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 4, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Proctor (with notice and proof):

S. 5. Relating to Talladega County; providing further for the compensation of members of the county board of education and repealing Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156) and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496).

Committee on Local Legislation No. 1.

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1st Day

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 6. Relating to Pike County: allowing city and county boards of education to pay the actual expenses of their legal counsel in attending legal seminars and workshops on developments in school law.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchem:

S. 7. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 8. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Messrs. deGraffenreid, Mitchem, Proctor, Higginbotham, Robertson, Teague (B), Keener, Figures, Denton, Little, Parsons, Callahan, Cook, Goodwin, Miller, Kirkland, Martin, Gullette, Harrison, Britnell, Hilliard, McDonald, Teague (J), Bailey and Holmes:

S. 9. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

Committee on Finance and Taxation.

By Messrs. Pearson, deGraffenried, Little, Mitchem, White, Hilliard, Robertson, Parsons, Teague (J), Vacca, Hall, Cook, Keener, Goodwin, Kirkland and Martin:

S. 10. To make a supplemental appropriation of \$1,485,070 from the Alabama Special Education Trust Fund for the fiscal year 1982-83; to provide that only those public institutions conferring at least twenty (20) doctoral degrees shall be eligible to receive the supplemental appropriation, and to make an appropriation to eligible institutions.

Committee on Finance and Taxation.

By Mr. Denton:

S. 11. To provide for the creation of an interim joint elections committee of the Legislature to examine and approve claims by the several counties for reimbursement for their extraordinary cost incurred in connection with the conduct of the 1982 elections; to provide legislative intent; to provide for duties and powers of the committee; to provide for compensation of committee members; to make an appropriation for the use of the several counties for additional expenses incurred in the conduct of the 1982 elections; and to make an appropriation for technical assistance.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 12. To amend Sections 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Council, so as to increase said membership.

Committee on Governmental Affairs.

By Messrs. Gullledge and Goodwin:

S. 13. To amend Section 5 of Act No. 135, enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as §40-7-25.2, Code of Alabama 1975, as amended, so as to extend, for the taxable year that began October 1, 1981, to not later than June 30, 1982, the period of time during which an owner of eligible taxable property may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property.

Committee on Finance and Taxation.

By Mr. Martin:

S. 14. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 15. To exempt George Lindsey Celebrity Benefit, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 16. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspended or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Mitchem:

S. 17. To make a supplemental appropriation to the State Revenue Department for the Auto Title and Antitheft Administration program for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 18. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Committee on Judiciary.

By Mr. Mitchem:

S. 19. To amend the definitions contained in § 13A-10-30 (the criminal code article on escape and related crimes) and to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act supplies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Mr. Mitchem:

S. 20. To prescribe the authority and powers of Attorney General's Investigators.

Committee on Judiciary.

By Messrs. Smith, Parsons and Robertson:

S. 21. To amend Sections 32-5A-191 and 32-6-19 of the Code of Alabama 1975, relating to the driving of motor vehicles, so as to prescribe additional penalties for physical injuries caused to another person while driving under the influence of alcohol or controlled substances and to any person who drives a motor vehicle while his driver's license is cancelled, suspended or revoked.

Committee on Judiciary.

By Mr. Parsons:

S. 22. To amend Section 13A-14-2 of the Code of Alabama 1975, relating to executive or secret sessions of certain bodies, boards or commissions, so as to increase the penalty to a Class C felony and to require adequate notice of any non-scheduled meeting.

Committee on Judiciary.

By Mr. Callahan:

S. 23. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975 p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

Committee in Finance and Taxation.

By Mr. Vacca:

S. 24. To provide further for the annual salary of the governor, the secretary of state, and the state auditor; and to provide for such sums to commence with the next term of office.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 25. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Mitchem:

S. 26. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Mitchem:

S. 27. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultry.

Committee on Agriculture, Conservation,
and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Denton:

S. 28. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 29. To prohibit any person from having an open container or receptacle of any alcoholic beverage in his possession or on his person in a motor vehicle or where the vehicle is normally occupied by the driver or passengers; to prescribe misdemeanor penalties; and to make certain exceptions.

Committee on Judiciary.

By Mr. Denton:

S. 30. To provide for an additional judgeship for the Thirty-Second Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Thirty-Second Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Thirty-Second Judicial Circuit.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 31. To provide further for the annual salary of the governor, the secretary of state, the commissioner of agriculture and industries and the state auditor; and to provide for such sums to commence with the next term of office.

Committee on Finance and Taxation.

By Mr. Martin:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

Committee on Governmental Affairs.

By Messrs. Robertson and Harrison:

S. 33. Proposing an amendment to Section 56 of the State Constitution relating to immunity from arrest for members of the legislature for certain offenses, so as to provide that legislative members would not be immune from arrest resulting from the offense of driving a motor vehicle while under the influence of alcohol or controlled substances or any other public offense committed within a moving motor vehicle.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 34. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

Committee on Judiciary.

By Messrs. Kirkland, Callahan, Teague (B), Britnell, Denton and Vacca:

S. 35. Relating to the prevention of the subversion of the economy by increasing organization among certain criminal elements; making it unlawful to use proceeds from a pattern of racketeering activity or from the collection of an unlawful debt to acquire or to maintain an interest in, or to establish a conduct an enterprise, including real property; making it unlawful to acquire or to maintain an interest in, or to conduct an enterprise or to acquire real property, through a pattern of racketeering activity or through the collection of an unlawful debt; making it unlawful for any person employed by, or associated with, any enterprise to conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity or the collection of any unlawful debt; making it unlawful to conspire to engage in any such conduct; providing certain criminal penalties; to provide for joinder and severance of defendants in criminal trials relating to this Act; to provide for judgments of conviction based upon the uncorroborated testimony of any accomplice in criminal trials relating to this Act; mandatory forfeiture of certain interest or property of persons convicted of violating provisions of this Act; to provide for dispositions of said forfeited property; and providing certain civil remedies, including, but not limited to, divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within the state.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Miller, Callahan, Denton, Britnell and Vacca:

S. 36. To amend Code of Alabama 1975, §15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of

the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff and chief of the police, if any, of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of the information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; and, to provide for severability; and, to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 37. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Committee on Judiciary.

By Messrs. Kirkland, Callahan, Teague (B), Britnell, Denton and Vacca:

S. 38. To amend Section 12-22-170 of the Code of Alabama 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding ten years and one day.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 39. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 40. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 41. To amend Section 15-16-24, Code of Alabama 1975, so as to clarify the verdict form rendered when a jury finds that the defendant did the act charged as constituting the offense, but also finds that at the time of committing the act, the defendant was insane and to repeal Section 13A-3-1 of the Alabama Criminal Code which provides for lack of criminal responsibility.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 42. To amend Section 13A-11-120, Code of Alabama 1975, to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

Committee on Judiciary.

By Messrs. Kirkland, Callahan, Teague (B), Britnell, Denton and Vacca:

S. 43. To amend Section 15-16-41 of the Code of Alabama 1975, which relates to hearings for defendants found not guilty by reason of insanity, so as to provide for the determination of the holding of such hearings for all defendants in criminal cases found to have committed the act while insane.

Committee on Judiciary.

By Messrs. Kirkland, Denton, Britnell and Vacca:

S. 44. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 45. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants may be charged in the same indictment, information or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 46. To require the superintendents of Alabama's state mental hospitals to accept and to commence evaluation of any individual ordered to

undergo an examination into their mental condition by a circuit court having jurisdiction of the individual in question.

Committee on Judiciary.

By Messrs. White, Kirkland, Teague (B), Denton, Britnell and Vacca:

S. 47. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 48. To repeal Section 13A-10-106, Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 49. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 50. To amend Section 15-19-7, Code of Alabama 1975, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 51. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 52. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 53. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Committee on Judiciary

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 54. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing; and to provide that appeals and post trial motions shall waive the enforcement of this section.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 55. To amend Section 15-19-1 of the Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, burglary in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Britnell and Vacca:

S. 56. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 57. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 58. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

Committee on Judiciary.

By Messrs. Gulledge and Goodwin:

S. 59. To propose an amendment to the Constitution of Alabama of 1901 limiting the amount of increase in value that may be assessed against any property in the State subject to ad valorem taxation.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Proctor:

S. 60. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

Committee on Judiciary.

By Mr. Parsons:

S. 61. To propose an amendment to Section 47 of the Constitution of Alabama 1901, providing for qualifications of senators and representatives, so as to provide further for the duration of residency requirements; and to provide for an election of the proposed amendment.

Committee on Government Affairs.

The above Bill was read a first time at length as required by the Constitution.

RESOLUTIONS

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. EXPRESSING APPRECIATION TO MR. ALBERT A. MARKS, JR., CHAIRMAN OF THE BOARD OF THE MISS AMERICA PAGEANT.

WHEREAS, it is with deep appreciation that the Alabama Legislature recognizes Mr. Albert A. Marks, Jr., Chairman of the Board of the Miss America Pageant, for his contributions to the success of Alabama's largest Independence Day celebration; and

WHEREAS, for the past seven consecutive years, Mr. Marks and the Miss America Pageant board have generously arranged for the appearance of

1st Day

the reigning Miss America at the Miss Point Mallard Pageant held during the Annual Spirit of America Festival in Decatur, Alabama; and

WHEREAS, the participation of Miss America has unquestionably lent considerable prestige to our State festival and has greatly contributed to the success of Alabama's celebration of America's birthday each July 4th at Point Mallard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise Mr. Albert A. Marks, Jr., and express our deep appreciation to him and to the Miss America Pageant Board for their courtesies to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Marks, in token of our sincere regard and in expression of our hopeful anticipation that he and the board will continue this treasured tradition.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little and Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. MOURNING THE DEATH OF MR. CLAUDE EUGENE MCCOY OF LANETT, ALABAMA.

WHEREAS, the Alabama Legislature has grievously noted the untimely death of Mr. Claude Eugene "Pete" McCoy of Lanett, Alabama, on April 28, 1982, at the age of just 61 years; and

WHEREAS, a prominent Lanett businessman, Mr. McCoy also was a former longtime city councilman, former mayor and a member and past president of the Lanett Kiwanis Club; he was president of the local chapter of Gideons International and was a member of the Moose Club and the Lanett Quarterback Club; and

WHEREAS, Mr. McCoy was a native and lifelong resident of Lanett and was a member of the First United Methodist Church where he had served on the administrative board and had been a Sunday School teacher for some 35 years; and

WHEREAS, Mr. McCoy is survived by his wife, Mrs. Rudene Aaron McCoy; their two sons, Jonathan Kyle and Claude E., Jr.; their daughter, Miss Valeria Nancy McCoy; his mother, Mrs. Darlene Hood; his father, Mr. C. B. McCoy; and by a sister, Mrs. Thelma Johnson, to all of whom we extend our most heartfelt sympathy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Claude Eugene McCoy of Lanett, Alabama, and direct that a copy of this resolution be sent to his family members that they may know of our deeply shared sorrow in their great and grievous loss.

On motion of Mr. Little, the Rules were suspended and the resolution was adopted by the Senate.

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. COMMENDING AMERICA'S TOP BAND, "ALABAMA."

WHEREAS, the Alabama Legislature notes with great and warm, personal pride the phenomenal rise to stardom by Alabama natives Randy Owen, Jeff Cook and Teddy Gentry of DeKalb County and by Mark Herndon, the creative vocalists, songwriters and instrumentalists comprising the country music group, "Alabama"; and

WHEREAS, "Alabama" was center stage during the recent Academy of Country Music Awards, sweeping the field with top honors in the three categories of "Entertainer of the Year," "Album of the Year" and "Top Vocal Group"; and

WHEREAS, from start to stardom, "Alabama" in just two short years climbed the summit to reach the top of the chart with numerous hit records and albums, including our own favorite, "My Home's in Alabama," which has focused the eyes and ears of America on our beloved state; and

WHEREAS, it is further to be noted with pride that many of the group's own compositions, as well as a number of those written by other Alabama songwriters, contain material which reflects the composers' memories and close ties with the State of Alabama; and

WHEREAS, "Alabama" is indeed to be commended for its success nationally, and even worldwide, in the field of country music, and is deserving also of our sincere gratitude for the fame brought to our state by the group's recording of "My Home's in Alabama"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly praise and commend "Alabama" as the pride of the State of Alabama and direct that copies of this resolution be presented to Randy Owen, Jeff Cook, Teddy Gentry and Mark Herndon in small token of our sincere gratitude and regard.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 4:40 P.M., on motion of Mr. White, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, May 25, 1982, at 4 o'clock P.M.

SECOND LEGISLATIVE DAY

TUESDAY, MAY 25, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles W. Adams, Associate Rector, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Teague (B)
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin			

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted to Messrs. Glass, McDonald, and Taylor for today.

MOTION TO ADJOURN

Mr. Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, May 26, 1982, at 10:30 A.M., which motion was adopted.

RESOLUTIONS

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. COMMENDING MR. JIMMY D. SMITH OF DECATUR, ALABAMA, CHAMBER OF COMMERCE "SMALL BUSINESS PERSON OF THE YEAR."

WHEREAS, Mr. Jimmy D. Smith was recently named "Small Business Person of the Year" by the Decatur, Alabama Chamber of Commerce; and

WHEREAS, Mr. Smith, who has been in the jewelry business for the past 25 years, established Jimmy Smith Jewelers in 1973 which grossed some \$200,000 in its first year of operation, reaching approximately \$1,500,000 in 1982; and

WHEREAS, Mr. Smith's phenomenal business success, in just nine short years, is attributed to his boundless energy, positive outlook on life and to his progressive methods in serving the business community and the public; and

WHEREAS, Mr. Smith is a Certified Master Watchmaker and is a Registered Jeweler, American Gem Society, with one of only six of the society's accredited gem laboratories in Alabama; he also is a past president of the Jewelers of Alabama Association and is a founder and life member of the Alabama Watchmakers Association; and

WHEREAS, he is a graduate of John C. Calhoun State Community College, which honored him in 1979 as "Most Outstanding Alumnus," and he is a director of both the Alabama Retail and Racking Horse Breeders Associations; and

WHEREAS, Mr. Smith further has served in civic responsibility as a Kiwanian, a former Jaycee which named him "Boss of the Year in 1971," a director of the Decatur Chamber of Commerce, member and past trustee of the Austinville Church of God and as a director of the First American Bank of Decatur; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Jimmy D. Smith of Decatur, Alabama, as one of our state's most prominent jewelers, and extend our heartiest congratulations on his selection as "Small Business Person of the Year."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Smith in small token of our warm praise and regard.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. COMMENDING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD.

WHEREAS, on or about June 27, 1982, the National Aeronautics and Space Administration will launch the fourth flight of the Space Shuttle Columbia from Kennedy Space Center; and

WHEREAS, both astronauts, Captain Ken Mattingly and Henry Hartsfield, are graduates of Auburn University, the former in Aerospace Engineering in 1958 and the latter in Physics in 1954; and

WHEREAS, this unique accomplishment of Auburn University alumni does further attest to the contributions made not only to the exploration of space but to the quality of life by Auburn University and higher education in the State of Alabama; and

WHEREAS, Auburn University has contributed to the space program through the research efforts of its faculty, the work experiences of hundreds of cooperative education students and other interns, and the many alumni who have been employed by NASA and its allied contractors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express great pride in astronauts Ken Mattingly and Henry Hartsfield and recognize their individual achievements as well as those of their alma mater, Auburn University, and send them and their families our sincerest wishes for a safe journey and a successful mission, and that copies of this resolution be sent to astronauts Mattingly and Hartsfield, the Board of Trustees, and the President of Auburn University.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. COMMENDING FRED JASON RHODES OF MONTGOMERY, ALABAMA, WINNER OF THE CULTURAL ARTS AWARD OF THE ALABAMA CONGRESS OF PARENTS AND TEACHERS.

WHEREAS, the Alabama Legislature is pleased to note the outstanding accomplishment of a young Montgomery artist, Fred Jason Rhodes, who was the statewide winner of the Cultural Arts Award of the Alabama Congress of Parents and Teachers; and

WHEREAS, Jason Rhodes, who is the son of Mr. and Mrs. Tommy Rhodes, is an eight-year-old second grade student at Montgomery's Dozier Elementary School; and

WHEREAS, Jason received the prestigious award on May 3, 1982, for his entry entitled, "What Makes Me Smile," an interpretation which reflects young Jason's extraordinary artistic ability and shows early promise of outstanding talent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Fred Jason Rhodes of Montgomery, Alabama, as the 1st place winner of the Cultural Arts Award — "Reflections Project" — of the Alabama Congress of Parents and Teachers.

BE IT FURTHER RESOLVED, That Jason Rhodes receive a copy of this resolution that he and his parents may know of our sincere warm praise and our very best wishes for his every future success.

On motion of Mr. Teague (B), the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit;

S. J. R. 10. HONORING MRS. LULA CORNELIA MORGAN ROBERTS UPON THE OCCASION OF HER 104TH BIRTHDAY.

WHEREAS, the Alabama Legislature is pleased to note the forthcoming 104th birthday, on July 28, 1982, of Mrs. Lula Cornelia Morgan Roberts of Quitman, Mississippi; and

WHEREAS, a native of Chapel Hill, Choctaw County, Alabama, born July 28, 1878, Mrs. Roberts moved to Quitman following her marriage to John Barlow Roberts and they were the parents of nine children; and

WHEREAS, Mrs. Roberts and her family have made their living by farming throughout the years, contributing as good citizens to their community and to the Church; and

WHEREAS, Mrs. Roberts is today the oldest living member, by far, of the Mt. Sterling Baptist Church, which is a member Church of the Choctaw County, Alabama, Baptist Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with her children, many grandchildren, great grandchildren and great-great grandchildren, and with her multitude of friends, in extending warm best wishes to Mrs. Lula Cornelia Morgan Roberts on the 104th anniversary of her birth.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Roberts at her birthday celebration that she may know of our congratulations and of our warm personal regard.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 11. CONGRATULATING AND COMMENDING MR. FLOYD SMITH OF AUBURN, ALABAMA, NATIONAL BOWLING CHAMPION.

Which was adopted.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Smith:

S. 62. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

Committee on Health and Welfare.

By Mr. Keener:

S. 63. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Keener:

S. 64. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or by the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while

in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 65. To provide that all steel or steel by-products used in public works projects must be clearly marked with its place of origin or manufacture.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague (J):

S. 66. To amend Section 34-25-3, 35-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Committee on Governmental Affairs.

By Mr. Teague (J):

S. 67. To make a supplemental appropriation to the Department of Education, Crippled Children Services Program, from the Alabama Special Educational Trust Fund, for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Cook (with notice and proof):

S. 68. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 68, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook (with notice and proof):

S. 69. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 69, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook (with notice and proof):

S. 70. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 70, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Pearson:

S. 71. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Penry:

H. J. R. 12. CONGRATULATING MR. LEONARD D. "RED" TRIONE OF DAPHNE, ALABAMA, AS FIREMAN OF THE YEAR FROM THE BALDWIN COUNTY FIRE CHIEF'S ASSOCIATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 12, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of

the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Coburn, Grouby and Laird.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Biddle, Bedsole, Harper (T), Cosby and Seibels:

H. J. R. 4. URGING ALL LAW ENFORCEMENT OFFICERS AND ALL JUDGES TO RIGIDLY ENFORCE ALABAMA'S LITTER LAW.

Also:

By Reps. Biddle and Cabaniss:

H. J. R. 5. COMMENDING MRS. MARILYN WAGGONER FOR OUTSTANDING LEADERSHIP AS PRESIDENT OF THE LEGISLATIVE WIVES AND HUSBANDS CLUB.

Also:

By Rep. Minus:

H. J. R. 7. HONORING MRS. LULA CORNELIA MORGAN ROBERTS OF QUITMAN, MISSISSIPPI, A NATIVE ALABAMIAN, ON HER 104TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R. 's 4, 5, and 7, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Letson:

H. J. R. 6. CREATING THE COMMITTEE ON THE BOARD OF CORRECTIONS CAPITAL OUTLAY.

WHEREAS, the Alabama Legislature has a responsibility to the citizens of this state to oversee the expenditure of public funds which the legislature appropriates to the Board of Corrections for the purchase of land, construction or improvements of prisons and prison or correctional related structures, and the equipping and furnishing of prisons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That (a) There is hereby created the Committee on the Board of Corrections Capital Outlay to consist of the Lieutenant Governor, Speaker of the House, Governor, Finance Director, the State Board of Corrections Officer, and six members each from the House of Representatives and Senate, appointed by the Speaker of the House and Lieutenant Governor, respectively. The members so appointed shall serve until their successors are appointed at the next regular session of the legislature following the regular session in which they were elected. Provided, however, that the present members of the Board of Corrections Capital Outlay Oversight Commission, created by Act 81-764, H. 823, 1981 Regular Session, shall serve as the original members of the committee until their terms of office expires;

(b) In the event of the death or resignation of any member appointed from the Senate or the House of Representatives his successor shall be appointed from the same body and such successor appointed to the vacancy shall serve for the unexpired term remaining of the member he was appointed to succeed. The original members shall serve until the end of their elected terms. Each subsequent appointment shall be for the full four-year legislative term. A chairman and vice chairman shall be elected from among its members. The Committee shall hold an organizational meeting at the state capitol within ten (10) days after the effective date of this act. Thereafter the Committee shall meet, from time to time, at the call of the chairman, vice chairman, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the Committee;

(c) The Committee shall adopt its own rules of procedure and transaction of business, except as otherwise herein provided.

BE IT FURTHER RESOLVED, That a majority of the members shall constitute a quorum for the purpose of transacting any business or the performance of any authorized duties. Each of the ex officio and appointed members shall have voting privileges.

RESOLVED FURTHER, That (a) the Committee shall approve and supervise any capital outlay or capital improvements and the expenditure of public money, from any source whatsoever, which is made by the Board of Corrections for the purchase of land, construction or improvements of prisons and prison or correctional related structures, and the equipping and furnishing of prisons;

(b) In addition to any and all other powers, the committee shall have powers to examine witnesses under oath and issue subpoena duces tecum, and shall have powers to punish for contempt or perjury, pertaining to the administration of said funds, awards and contracts and the expenditure of funds as hereinabove described;

(c) The Committee shall keep full and complete minutes in writing of its proceedings and every action taken shall be by written resolution;

(d) Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work. The Committee shall report its findings, conclusions and recommendations to the legislature from time to time as necessary.

BE IT FURTHER RESOLVED, That each legislative member of the Committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting or conducts business of the Committee which shall be paid out of any funds appropriated to the use of the legislature from any source whatsoever, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman or vice chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 6, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Johnson (Roy) and Cheatwood:

H. J. R. 10. ENCOURAGING THE USE OF ALABAMA LABOR, PRODUCTS AND MATERIALS FOR CONSTRUCTION PROJECTS FINANCED BY BOND ISSUE FUNDS.

WHEREAS, the State of Alabama is currently experiencing its highest rate of unemployment in recent history, second only to that of the State of Michigan; and

WHEREAS, the plight of these thousands of unemployed Alabamians no doubt weighed heavily on the minds of the Alabama electorate which gave a statewide stamp of approval to the sale of bonds to finance state construction projects which would, in turn, increase job opportunities in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encourage the current administration to request, or to require if necessary, that for all state construction projects financed by bond issue proceeds, contractors shall use Alabama labor, products and materials whenever possible.

BE IT FURTHER RESOLVED, That a copy of the resolution be sent to Governor James that he may be advised of the legislature's commitment to more jobs for the unemployed of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment to the Alabama Securities Commission.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 25th day of May, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation the following:

Mr. James D. Pruett
P. O. Box 29
Gadsden, Alabama 35902
Term expires: October 31, 1985

as a member of the Alabama Securities Commission.

Respectfully,

FOB JAMES,
Governor.

Done this 25th day of May, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Air Pollution Control Board.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 25th day of May, 1982.

FIRST EXTRAORDINARY SESSION
2nd Day

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To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation the following:

Mr. Richard Markle (reappointed)
417 Gold Drive
Birmingham, Alabama
Term expires October 1, 1985

Dr. Claire B. Elliott (replaced Mr. Larry Weems)
Baptist Medical Center
800 Montclair Road
Birmingham, Alabama 35213
Term expires October 1, 1985

as members of the Air Pollution Control Board.

Respectfully,
FOB JAMES,
Governor.

Done this 25th day of May, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Air Pollution Control Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Farmers Market Authority.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 25th day of May, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation the following:

Mr. Jesse T. Todd (reappointed)
P. O. Box 20242
Birmingham, Alabama 35216
Term expires: February 1, 1988

Mr. William T. Howell (replaced Mr. E. Herrin Drake, deceased)
Rocky Hill Jersey Farm
Fort Payne, Alabama 35967
Term expires: February 1, 1988

Mr. John C. Goodson, Jr. (reappointed)
Route 1, Box 5
Brent, Alabama 35034
Term expires: February 1, 1988

as members of the Farmers Market Authority.

Respectfully,
FOB JAMES,
Governor.

Done this 25th day of May, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Farmers Market Authority, was read and referred to the Standing Committee on Rules

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and place on the calendar, to-wit:

By Mr. Denton (with notice and proof):

S. 2. Relating to selling and redeeming lands for taxes in Colbert County, Alabama.

By Mr. Weeks (with notice and proof):

S. 3. Relating to Pike County; to authorize the Pike County Board of Education to insure school property with a private insurance company or carrier.

By Mr. Keener (with notice and proof):

S. 4. To amend Act No. 81-1192, S. 28, 1981 Third Special Session, entitled, "An Act Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs," so as to provide said uniform maintenance allowance and pay to certain other county personnel and to provide retroactive effect.

By Mr. Proctor (with notice and proof):

S. 5. Relating to Talladega County; providing further for the compensation of members of the county board of education and repealing Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156) and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496).

By Mr. Weeks (with notice and proof):

S. 6. Relating to Pike County; allowing city and county boards of education to pay the actual expenses of their legal counsel in attending legal seminars and workshops on developments in school law.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 16. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

By Mr. Mitchem:

S. 25. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

By Mr. Mitchem:

S. 26. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

By Mr. Mitchem:

S. 27. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultrz.

The above Bill was read a second time at length as required by the Constitution.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pearson, deGraffenried, Little, Mitchem, White, Hilliard, Robertson, Parsons, Teague (J), Vacca, Hall, Cook, Keener, Goodwin, Kirkland and Martin (With Amendment):

S. 10. To make a supplemental appropriation of \$1,485,070 from the Alabama Special Education Trust Fund for the fiscal year 1982-1983; to provide that only those public institutions conferring at least twenty (20) doctoral degrees shall be eligible to receive the supplemental appropriation, and to make an appropriation to eligible institutions.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 7. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

By Mr. Mitchem:

S. 8. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

By Messrs. deGraffenried, Mitchem, Proctor, Higginbotham, Robertson, Teague (B), Keener, Figures, Denton, Little, Parsons, Callahan, Cook, Goodwin, Miller, Kirkland, Martin, Gullede, Harrison, Britnell, Hilliard, McDonald, Teague (J), Bailey and Holmes:

S. 9. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

By Mr. Denton:

S. 11. To provide for the creation of an interim joint elections committee of the Legislature to examine and approve claims by the several counties for reimbursement for their extraordinary cost incurred in connection with the conduct of the 1982 elections; to provide legislative intent; to provide for duties and powers of the committee; to provide for compensation of committee members; to make an appropriation for the use of the several counties for additional expenses incurred in the conduct of the 1982 elections; and to make an appropriation for technical assistance.

By Messrs. Gullede and Goodwin:

S. 13. To amend section 5 of Act No. 135, enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as § 40-7-25.2, Code of Alabama 1975, as amended, so as to extend, for the taxable year that began October 1, 1981, to not later than June 30, 1982, the period of time during which an owner of eligible taxable property may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property.

By Mr. Mitchem:

S. 17. To make a supplemental appropriation to the State Revenue Department for the Auto Title and Antitheft Administration program for the fiscal year ending September 30, 1983.

By Mr. Vacca:

S. 24. To provide further for the annual salary of the governor, the secretary of state, and the state auditor; and to provide for such sums to commence with the next term of office.

By Mr. Denton:

S. 30. To provide for an additional judgeship for the Thirty-Second Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Thirty-Second Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Thirty-Second Judicial Circuit.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 12. To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Council, so as to increase said membership.

By Mr. Martin:

S. 14. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

By Mr. Denton:

S. 28. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

By Mr. Martin:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an

increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

By Mr. Parsons:

S. 61. To propose an amendment to Section 47 of the Constitution of Alabama 1901, providing for qualifications of senators and representatives, so as to provide further for the duration of residency requirements; and to provide for an election of the the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

S. 23. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 1. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

By Mr. Proctor:

S. 60. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 58. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 57. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any

occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Teague (B), Britnell and Vacca (With Substitute):

S. 56. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 55. To amend Section 15-19-1 of the Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, burglary in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 54. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing; and to provide that appeals and post trial motions shall waive the enforcement of this section.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 53. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 52. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of superintendent or any physician of a statemental health facility or hospital in criminal proceedings, upon proper notice.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 51. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 50. To amend Section 15-19-7, Code of Alabama 1975, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 49. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 48. To repeal Section 13A-10-106, Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

By Messrs. White, Kirkland, Teague (B), Denton, Britnell and Vacca:

S. 47. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 46. To require the superintendents of Alabama's state mental hospitals to accept and to commence evaluation of any individual ordered to undergo an examination into their mental condition by a circuit court having jurisdiction of the individual in question.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 45. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants may be charged in the same indictment, information or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two

or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

By Messrs. Kirkland, Denton, Britnell and Vacca:

S. 44. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

By Messrs. Kirkland, Callahan, Teague (B), Britnell, Denton and Vacca:

S. 43. To amend Section 15-16-41 of the Code of Alabama 1975, which relates to hearings for defendants found not guilty by reason of insanity, so as to provide for the determination of the holding of such hearings for all defendants in criminal cases found to have committed the act while insane.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 42. To amend Section 13A-11-120, Code of Alabama 1975, to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 41. To amend Section 15-16-24, Code of Alabama 1975, so as to clarify the verdict form rendered when a jury finds that the defendant did the act charged as constituting the offense, but also finds that at the time of committing the act, the defendant was insane and to repeal Section 13A-3-1 of the Alabama Criminal Code which provides for lack of criminal responsibility.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 40. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

By Messrs. Kirkland, Teague (B), Callahan, Denton, Britnell and Vacca:

S. 39. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.

By Messrs. Kirkland, Callahan, Teague (B), Britnell, Denton and Vacca:

S. 38. To amend Section 12-22-170 of the Code of Alabama 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding ten years and one day.

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 37. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Teague (B), Miller, Callahan, Denton, Britnell and Vacca (With Substitute):

S. 36. To amend Code of Alabama 1975, § 15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff and chief of police, if any, of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; and, to provide for severability; and, to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kirkland, Teague (B), Callahan, Britnell, Denton and Vacca:

S. 34. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

By Messrs. Robertson and Harrison:

S. 33. Proposing an amendment to Section 56 of the State Constitution relating to immunity from arrest for members of the legislature for certain offenses, so as to provide that legislative members would not be immune from arrest resulting from the offense of driving a motor vehicle while under the influence of alcohol or controlled substances or any other public offense committed within a moving motor vehicle.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Smith, Parsons and Robertson:

S. 21. To amend Sections 32-5A-191 and 32-6-19 of the Code of Alabama 1975, relating to the driving of motor vehicles, so as to prescribe additional penalties for physical injuries caused to another person while driving under the influence of alcohol or controlled substances and to any person who drives a motor vehicle while his driver's license is cancelled, suspended or revoked.

By Mr. Mitchem:

S. 20. To prescribe the authority and powers of Attorney General's Investigators.

By Mr. Mitchem:

S. 19. To amend the definitions contained in § 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

By Mr. Mitchem:

S. 18. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

RESOLUTIONS

Mr. Lemaster offered the following Senate Resolutions, to-wit:

S. R. 12. COMMENDING REVEREND CHARLIE GUINN, FOR HIS OUTSTANDING YEARS OF DEDICATION TO THE CHURCH OF GOD.

Also:

S. R. 13. COMMENDING REVEREND J. D. GOLDEN FOR HIS OUTSTANDING YEARS OF SERVICE TO THE CHURCH OF GOD.

Which were adopted.

ADJOURNMENT

At 5:30 P.M., on motion of Mr. Goodwin, in accordance with Motion heretofore adopted, the Senate adjourned until Wednesday, May 26, 1982, at 10:30 A.M.

THIRD LEGISLATIVE DAY
WEDNESDAY, MAY 26, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend H. Douglas Olive, Minister, Dalraida Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Teague (B)
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin			

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JOURNAL

On motion of Mr. Denton, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Denton, leave of absence was granted Messrs. Glass, McDonald, and Taylor for today.

BILLS ON THIRD READING

The Bill:

S. 30. To provide for an additional judgeship for the Thirty-Second Judicial Circuit of Alabama; to provide for the appointment of the first judge

to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Thirty-Second Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Thirty-Second Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Britnell	Hall	Little	Smith
Callahan	Harrison	Martin	Teague (B)
Cook	Keener	Miller	Vacca
Denton	Kirkland	Mitchem	Weeks

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Nays: —0

RESOLUTIONS

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

WHEREAS, National Police Week was celebrated May 10-16, 1982, and May 15 was observed as Peace Officers Memorial Day, as set aside by President John F. Kennedy in 1963 to pay tribute to all law enforcement officers who have given their lives in the line of duty; and

WHEREAS, this date was observed throughout America by law enforcement agencies with special memorial services and commemorative ceremonies as well as appropriate civic activities to honor those who have made the supreme sacrifice for their communities; and

WHEREAS, it is the desire of the Fraternal Order of Police, associate lodges, ladies auxiliaries and law-abiding citizens throughout our State that May 15 be annually observed as "Peace Officers Memorial Day" in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare that May 15 shall henceforth annually be observed as "Peace Officers Memorial Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That the United States Congress and the Alabama Congressional Delegation be notified, by copies of this resolution, of the Alabama Legislature's urgent request for official enactment of appropriate legislation to provide that May 15 be annually observed throughout our land and that said date be included among those dates to be published on calendars as an official day of remembrance.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland then offered the following Senate Resolution, to-wit:

S. R. 15. COMMENDING MR. J. ROBISON HARPER OF MONROEVILLE, ALABAMA, PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 2. Relating to selling and redeeming lands for taxes in Colbert County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Teague (B)
deGraffenried	Hilliard	Mitchem	Teague (J)
Denton	Holmes	Parsons	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

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Nays:

—0

The Bill:

S. 3. Relating to Pike County; to authorize the Pike County Board of Education to insure school property with a private insurance company or carrier.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Callahan	Higginbotham	Miller	Teague (B)
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Keener	Parsons	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

—25

Nays:

—0

The Bill:

S. 4. To amend Act No. 81-1192, S. 28, 1981 Third Special Session, entitled, "An Act Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs," so as to

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provide said uniform maintenance allowance and pay to certain other county personnel and to provide retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Pearson	
Bailey	Hall	Little	St. John	
Britnell	Harrison	Martin	Smith	
Cook	Hilliard	Miller	Teague (B)	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Goodwin	Kirkland			—25

Nays: —0

The Bill:

S. 5. Relating to Talladega County; providing further for the compensation of members of the county board of education and repealing Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156) and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor	
Bailey	Hall	Martin	Smith	
Callahan	Higginbotham	Miller	Teague (B)	
Cook	Hilliard	Mitchem	Teague (J)	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

S. 6. Relating to Pike County: allowing city and county boards of education to pay the actual expenses of their legal counsel in attending legal seminars and workshops on developments in school law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John	
Bailey	Harrison	Martin	Smith	
Callahan	Higginbotham	Miller	Teague (J)	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland	Pearson	White	
Goodwin	Lemaster			—25

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 16. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the 1982 First Special Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 60	12	To provide for the reapportionment of the two houses of the Alabama Legislature
S. B. 1	12	To make temporary changes in the election laws of Alabama

On motion of Mr. Harrison, said Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 23. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Proctor
Callahan	Higginbotham	Martin	St. John
deGraffenried	Lemaster	Mitchem	Smith
Hall			

—12

Nays:

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The President and Presiding Officer of the Senate declared a quorum present but not voting.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 60. To provide for the reapportionment of the two houses of the Alabama Legislature, based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

RECESS

At 12:40 P.M., on motion of Mr. Pearson, the Senate took a recess until 1:40 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

S. J. R. 3. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

Also:

S. J. R. 4. EXPRESSING APPRECIATION TO MR. ALBERT A. MARKS, JR., CHAIRMAN OF THE BOARD OF THE MISS AMERICA PAGEANT.

Also:

S. J. R. 5. MOURNING THE DEATH OF MR. CLAUDE EUGENE McCOY OF LANETT, ALABAMA.

Also:

S. J. R. 6. COMMENDING AMERICA'S TOP BAND, "ALABAMA".

Also:

S. J. R. 7. COMMENDING MR. JIMMY D. SMITH OF DECATUR, ALABAMA, CHAMBER OF COMMERCE "SMALL BUSINESS PERSON OF THE YEAR."

Also:

S. J. R. 8. COMMENDING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD.

Also:

S. J. R. 9. COMMENDING FRED JASON RHODES OF MONTGOMERY, ALABAMA, WINNER OF THE CULTURAL ARTS AWARD OF THE ALABAMA CONGRESS OF PARENTS AND TEACHERS.

Also:

S. J. R. 10. HONORING MRS. LULA CORNELIA MORGAN ROBERTS UPON THE OCCASION OF HER 104TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McCorquodale (with notice & proof):

H. 2. To provide for an increase in the court costs which may be imposed upon conviction, in the municipal court of the City of Thomasville, Clarke County, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the City of Thomasville, Clarke County, and used by it for law enforcement and judicial purposes.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 2, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Stout (with notice and proof):

H. 4. To authorize the DeKalb County Commission to make appropriations and expenditures from the general fund to the DeKalb County Association for Retarded Citizens, Inc., a non-profit corporation, for the purpose of assisting said association with the education, training, rehabilitation and similar assistance to retarded citizens of DeKalb County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 4, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 14. Relating to Shelby County, to amend Sections 3, 11 and 12 of Act No. 62, H. 213, First Special Session 1977 (Acts 1977, p. 1483), as amended, relating to fire protection and emergency medical services districts, so as to provide further for the composition and tax-exemption of such districts and to provide for retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 14, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 22. Relating to Shelby County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Shelby County and to direct the board of registrars to perform certain duties heretofore performed by the probate judge and to

supply the probate judge from time to time with certain information necessary to the fulfillment of his lawful duties; to require any funds accruing in connection with the use or sale of all lists to be paid into the county treasury of Shelby County and to regulate the use thereof and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 22, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (with notice and proof):

H. 68. To amend Act No. 78-843 relating to Elmore County excise and privilege tax on the severance of clay, sand, and gravel in said county so as to provide for the administration and collection of such tax by the state department of revenue.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 68, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (with notice and proof):

H. 69. Relating to Elmore County; increasing the fee for a pistol permit or license; providing for the disposition of the proceeds from such fees; and repealing Act No. 642, H. 1522, 1975 Regular Session (Acts 1975, p. 1398).

I hereby certify that this notice & proof is attached to the Bill, H. B. 69, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 2, 4, 14, 22, 68, and 69. To the Committee on Local Legislation No. 1.

RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 17. COMMENDING DR. C. P. ST. AMANT, JR., M.D.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 60

The Senate proceeded to further consideration of the Bill, S. B. 60.

On motion of Mr. deGraffenried, further consideration of the Bill, S. B. 60, was temporarily postponed.

BILLS ON THIRD READING RESUMED

The Bill:

S. 9. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Pearson
Britnell	Hall	Lemaster	Proctor
Cook	Harrison	Little	Robertson
deGraffenried	Higginbotham	Martin	Smith
Denton	Hilliard	Miller	Teague (B)
Figures	Holmes	Mitchem	Teague (J)
Goodwin	Keener	Parsons	Weeks

—27

Nays:

—0

On motion of Mr. Lemaster, his name and those of Messrs. Pearson and Vacca were added as co-sponsors of the above Bill.

RESOLUTION

Mr. Teague (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. DOUGLAS B. HESTER, LEGISLATIVE COUNSEL TO THE UNITED STATES SENATE, CONGRATULATED.

WHEREAS, Douglas B. Hester, a native Alabamian, has served the Senate of the United States of America for over thirty years in the Office of Legislative Counsel, and has served for over two years as chief executive officer of that office, with the title Legislative Counsel to the Senate; and

WHEREAS, Douglas B. Hester bears primary responsibility for the actual drafting and preparation of proposed legislation to be introduced in the U.S. Senate; and

WHEREAS, The Senate has recognized Mr. Hester's exceptional merit as the premier law writer of this country recently memorializing this milestone in his career in most complimentary terms in Senate Resolution 328, and in personal remarks by the Honorable Strom Thurmond, Majority Leader of the Senate; and

WHEREAS, Douglas B. Hester was born in Butler County; he is the son of Mack Ellis Hester and Carrie Lottie Taylor Hester of Mobile County; his sister Frances Nelree Hester Montgomery and her husband Col. Hunter M. Montgomery (Ret.) reside in Jefferson County; and

WHEREAS, Douglas B. Hester is married to the former Melissa Hood Fuller, a native of Anderson, S. C., and they have two lovely children, Carlotta and Benjamin; and

WHEREAS, Douglas B. Hester is a product of the public school system of Alabama; a graduate of the University of Alabama and its law school; an Army veteran; a member of the bar of the State of Alabama and of the District of Columbia; and

WHEREAS, Douglas B. Hester is a direct descendent of the pioneer Taylor family of Autauga County, Alabama, of which family four members have served in this legislature: Dr. George M. Taylor of Autauga; William C. Taylor of Mobile; George M. Taylor, Jr. of Autauga; and Sam W. Taylor of Montgomery.

NOW THEREFORE BE IT RESOLVED, that the Legislature of the State of Alabama pauses to commend and congratulate this our native son upon his high achievements

and direct that copies of the resolution be transmitted to Mr. Hester, to his parents and to his sister.

On motion of Mr. Teague (B), the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook (with notice and proof):

S. 69. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Mr. Cook (with notice and proof):

S. 68. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Mr. Cook (with notice and proof):

S. 70. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

RESOLUTION

Mr. Hall offered the following Senate Resolution, to-wit:

S. R. 19. CONGRATULATING AND COMMENDING THE SOCCER CHAMPION FIREBIRDS OF BIRMINGHAM'S NORTHEAST Y.M.C.A.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 60

The Senate proceeded to further consideration of the Bill, S. B. 60.

BILLS ON THIRD READING RESUMED

Mr. Pearson was granted permission to suspend the Rules and bring up out of order the Bill:

S. 10. To make a supplemental appropriation of \$1,485,070 from the Alabama Special Education Trust Fund for the fiscal year 1982-1983; to provide that only those public institutions conferring at least twenty (20) doctoral degrees shall be eligible to receive the supplemental appropriation, and to make an appropriation to eligible institutions.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 10, to-wit:

COMMITTEE AMENDMENT TO S. B. 10

Amend S. 10 by adding on page 2 the following new Section 4 and renumber subsequent sections accordingly, as follows:

4. No conditional appropriation shall be made to any college or university herein named, and receiving an additional appropriation hereunder, pursuant to any other act, including Act No. 82-568, H. 153, 1982 Regular Session, which makes a conditional appropriation.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Bailey	Harrison	Martin	Smith	
Cook	Higginbotham	Miller	Teague (B)	
Denton	Hilliard	Mitchem	Teague (J)	
Figures	Holmes	Parsons	Vacca	
Goodwin	Kirkland	Pearson	White	
Gulledge				—24

Nays:

—0

And said Bill, S. B. 10, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons	
Bailey	Hall	Lemaster	Robertson	
Cook	Harrison	Little	Smith	
Denton	Higginbotham	Martin	Teague (B)	
Figures	Hilliard	Miller	Vacca	
Goodwin	Holmes	Mitchem	White	—24

Nays:

—0

RESOLUTION

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. DESIGNATING JUNE 10, 11 AND 12, 1982, AS THE OFFICIAL "ALABAMA BLUEBERRY FESTIVAL."

WHEREAS, the 2nd annual Alabama Blueberry Festival will be held June 10, 11 and 12, 1982, in Brewton, Alabama, under the auspices of the Blueberry Council which is comprised of representatives of the Brewton Lions, Kiwanis and Rotary Clubs, the Brewton Blueberry Growers Association and the Brewton Chamber of Commerce; and

WHEREAS, it is entirely fitting that such festival is held in Brewton as this is the only town in Alabama from which blueberries are shipped commercially; and

WHEREAS, last year, 15,000 crates of blueberries were shipped from Brewton; and

WHEREAS, Brewton's newest industry anticipates shipping 40,000 crates per year within the next five years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate June 10, 11 and 12, 1982, as the official "Alabama Blueberry Festival" and direct that a copy of this resolution be provided for presentation to the chairman of the 1982 Alabama Blueberry Festival.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Martin offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. HONORING MRS. GENE BRINDLEY HORTON, PROMINENT MORGAN COUNTY EDUCATOR.

WHEREAS, the 1982 retirement of Mrs. Gene Brindley Horton of Hartselle, Alabama, brings to a close an extraordinary career of more than 48 years as an educator in the public schools of Morgan County; and

WHEREAS, Mrs. Horton, the youngest of four daughters of Dr. T. B. Brindley who practiced medicine in Morgan County for 60 years, began her teaching career at the age of 17 at Gravel Ridge Community in a one room schoolhouse and has continued in service to the youth of Morgan County for 48-½ years, forty of which were as a faculty member of Hartselle's Burleson Elementary School; and

WHEREAS, Mrs. Horton who also has taught with the Head Start and Adult Education programs during summer months, holds a B.S. Degree from Florence State University, a Master's Degree from Peabody and her AA Certificate from Huntsville's Alabama A & M University; and

WHEREAS, she is professionally affiliated with both the Alabama and National Education Associations and is a member of Delta Kappa Gamma, a teachers sorority; she also is a member of the First Methodist Church of Hartselle and of the John Robbins Chapter of the DAR; and

WHEREAS, in both length and quality of service, Mrs. Gene Horton is an accomplished professional who has indeed contributed greatly to the

future of her beloved county through the education of its youth; she has served with dedication, giving generously of herself, and in so doing has earned the love and respect of the community she profited; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend one of our State's most outstanding educators, Mrs. Gene Brindley Horton of Hartselle, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Horton with a copy also provided for her daughter and granddaughter, Mrs. Charles Jene Goodger and Miss Gigi Goodger, that they may all know of our warm praise and regard.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

Mr. Goodwin was granted permission to suspend the Rules and bring up out of order the Bill:

S. 13. To amend section 5 of Act No. 135, enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as § 40-7-25.2, Code of Alabama 1975, as amended, so as to extend, for the taxable year that began October 1, 1981, to not later than June 30, 1982, the period of time during which an owner of eligible taxable property may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property.

And said Bill, S. B. 13, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Hall	Martin	Smith	
Callahan	Holmes	Miller	Vacca	
Cook	Kirkland	Mitchem	Weeks	
Goodwin	Lemaster	Robertson		—18

Nay: Mr. Teague (B). —1

FURTHER CONSIDERATION OF S. B. 60

The Senate proceeded to further consideration of the Bill, S. B. 60.

Mr. Hilliard offered the following substitute for the Bill, S. B. 60, to-wit:

SUBSTITUTE FOR S. B. 60

A BILL TO BE ENTITLED AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

House District 1 shall consist of: In Lauderdale County: Florence City (all).

House District 2 shall consist of: In Lauderdale County: Coverdale Division; Remainder of Florence Division; Killen Division; Lexington Division; Oakland Division; Waterloo Division.

House District 3 shall consist of: In Lauderdale County: Rogersville Division; In Limestone County: Salem Division; Athens Division, Tract 202 (all), Tract 204 (all), Tract 205 (all), Tract 206 (all), Tract 207 (all), Tract 209 (all), Tract 210, Tract 211, Block Groups 1 and 2.

House District 4 shall consist of: In Morgan County: Decatur City, Tract 1, Tract 2, Tract 3, Tract 4, except Block Group 1, Tract 54.01, Tract 54.02, excluding Enumeration District 257, Enumeration District 258. In Limestone County: Tract 201 (all), Tract 208, Tract 211, Enumeration District 691, Enumeration District 692, Tract 212 (all).

House District 5 shall consist of: In Morgan County: Tract 5, Tract 6, Tract 7, Tract 8, Tract 9, Tract 10, Tract 51, Tract 4, Block Group 1.

House District 6 shall consist of: In Morgan County: Hartselle Division (all); Falkville Division (all); Lacey Springs Division (all); Eva Division (all); Danville Division (all); Remainder of Somerville Division, Enumeration District 257, Enumeration District 258.

House District 7 shall consist of: In Lawrence County (all). In Colbert County: Leighton Division.

House District 8 shall consist of: In Franklin County (all). In Colbert County: Littleville Division.

House District 9 shall consist of: Colbert County (all), excluding Leighton Division; Littleville Division.

House District 10 shall consist of: In Winston County: Addison Division; Haleyville Division, Enumeration District 0611; Double Springs Division; Lynn Division. In Cullman County: Jones Chapel Division; Bremer Division; Grant Hill Division; Hanceville Division; Vinemont Division.

House District 11 shall consist of: In Marion County: In Winston County: Haleyville Division, excluding Enumeration District 0611.

House District 12 shall consist of: Fayette County: Lamar County.

House District 13 shall consist of: In Walker County: Dora Division; Empire Division; Jasper Division; Sipsey Division.

House District 14 shall consist of: In Walker County: Carbon Hill Division; Cordova Division; Flat Creek-Wegra Division; Manchester Division; Nauvoo Division; Oakman Division; Parrish Division; Townley Division. In Tuscaloosa County: Remainder of Tuscaloosa Division; Windham Springs Division.

House District 15 shall consist of: In Pickens County. In Tuscaloosa County: Cohen Division, Elrod-Moore's Bridge; Echola Division; Samantha Division, Tract 104.01, Block Groups 3, 4 and 5.

House District 16 shall consist of: In Cullman County: Holly Pond Division; Logan Division; Cullman Division; Simcoe Division; Baileyton-Joppa Division; Welti Division.

House District 17 shall consist of: In Blount County.

House District 18 shall consist of: In Marshall County: Albertville-Boaz Division; Arab Division.

House District 19 shall consist of: In Madison County: Huntsville Division, Tract 5.01, Tract 5.02, Tract 5.03, Tract 6.01, Tract 6.02, Tract 13, Tract 15, Tract 14, Tract 7.01, Block Group 2, Tract 106, Block Group 1, except Blocks 102-105, 149, 150, Block Group 2, except Blocks 202-209, Tract 22, Block Group 1, Block 106, Block Group 2; Madison Division.

House District 20 shall consist of: In Madison County: Huntsville Division, Tract 2.01, Tract 2.02, Tract 3.01, Tract 3.02, Tract 4.01, Tract 4.02, Tract 7.01, Tract 7.02, Tract 12, Tract 16, excluding Block Group 1, Tract 21, Block Group 1, Tract 106, Block Group 1, Blocks 102-105, 149 and 150, Block Group 2, Blocks 202-209, Block Group 9.

House District 21 shall consist of: In Madison County: Arsenal Division; Triana Blackwall Division; Huntsville Division, Tract 21, Block Group 5, except Blocks 522 and 523, Tract 23, Tract 24, Tract 25.01, Tract 25.02, Tract 28.01, Tract 28.02, Tract 20, Block Groups 2 and 3, Block Group 1, Blocks 113-117, Tract 19.01, Block Group 1, except Block 106.

House District 22 shall consist of: In Madison County: Huntsville Division, Tract 1, Tract 8, Tract 9.01, Tract 9.02, Tract 10, Tract 11, Tract 17, Tract 18.01, Tract 18.02, Tract 108, Tract 107, Tract 105, Tract 16, Block Group 1.

House District 23 shall consist of: In Madison County: Huntsville Division, Tract 19.01, excluding Block Group 1, Tract 19.02, Tract 19.03, Tract 26, Tract 27.01, Tract 27.02, except Block Group 9, Tract 29.01, Tract 29.02, Tract 20, Block Group 1, except Blocks 113-117; New Hope Division.

House District 24 shall consist of: In Madison County: Gurley Division; New Market Division; Hazel Green Division; Madison Crossroad Division, Tract 27.02, Block Group 9. In Jackson County: Paint Rock Division; Bridgeport Division; Princeton Division; Stevenson Division.

House District 25 shall consist of: In Jackson County: Pisgah Division; Long Island Division; Section Division; Scottsboro Division.

House District 26 shall consist of: In DeKalb County: Remainder of Collinsville Division, Enumeration District 435; Fort Payne Division; Fyffe Division, Enumeration District 424-A; Henagar Division; Ider Division; Rainsville Division; Valley Head Division.

House District 27 shall consist of: In Marshall County: Douglas Division; Grant Division; Guntersville Division; Town Creek Division; Union Grove Division. In DeKalb County: Fyffe Division, excluding Enumeration District 424-A; Geraldine Division.

House District 28 shall consist of: In Etowah County: Gadsden Division, Tract 7, Tract 2, Tract 3, Tract 4, Tract 5, Tract 6, Tract 8, Tract 9, Tract 10, Tract 11, Tract 12.

House District 29 shall consist of: In Etowah County: Gadsden Division, Tract 1, Tract 13, Tract 14, Tract 15, Tract 16, Tract 101, Tract 104, Tract 105, Tract 102.

House District 30 shall consist of: In Etowah County: Altoona Division; Gadsden Division, Tract 17, Tract 103; Mountainboro Division; Hokes Bluff Division; Lookout Mountain Division; Turkeytown Division; Wills Valley Division. In St. Clair County: Remainder of Ashville Division, Enumeration District 0404.

House District 31 shall consist of: St. Clair County, except Remainder of Ashville Division, Tract 404.

House District 32 shall consist of: In Talladega County: Lincoln-Eastaboga Division; Munford Division; Renfroe-Lanier Division, Tract 112, Enumeration District 0668; Talladega Division.

House District 33 shall consist of: In Talladega County: Childersburg Division; Renfroe-Lanier Division, excluding Tract 112, Enumeration District 0688; Sycamore-Winterboro Division; Sylacauga Division.

House District 34 shall consist of: In Calhoun County: Anniston Division, Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, Tract 6, Tract 7, Tract 8, Tract 9, Tract 10, Tract 11, Tract 18, Block Group 7.

House District 35 shall consist of: In Calhoun County: Anniston Division, Tract 18, except Block Group 5, Block 501, Block Group 6, except Blocks 601-606, Tract 19; Jacksonville Division; Piedmont Division; Webster Chapel-Alexandria Valley Division.

House District 36 shall consist of: In Calhoun County: Anniston Division, Tract 12, Tract 13, Tract 14, Tract 15, Tract 16, Tract 17; Ohatchee Division; Choccolocco Division, Tract 18, Block Group 5, Block 501, Block Group 6, Blocks 601-606.

House District 37 shall consist of: Randolph County: Clay County. In Chambers County: Five Points Division.

House District 38 shall consist of: Chambers County, excluding Five Points Division.

House District 39 shall consist of: Cherokee County: Cleburne County. In DeKalb County: Collinsville Division, excluding Enumeration District 435, Crossville Division.

House District 40 shall consist of: In Shelby County: Alabaster-Helena Division; Montevallo Division, Tract 304.01, Enumeration District 0019, Tract 304.02, Enumeration District 0021.

House District 41 shall consist of: In Shelby County: Chelsea Division; Calera Division; Columbiana Division; Montevallo Division, excluding Tract 304.01, Enumeration District 0019, Tract 304.02, Enumeration District 0021; Vincent Division; Wilsonville Division. In Chilton County: Verbena Division. In Coosa County: Weogufka-Marble Valley Division, Enumeration District 79T, Enumeration District 79U.

House District 42 shall consist of: Elmore County, excluding Elmore Division; Wetumpka Division, Tract 105, Enumeration District 966, Enumeration District 965U, Enumeration District 965T; Tallassee Division, Tract 107, Enumeration District 958. In Coosa County: Goodwater-Kellyton Division; Rockford Division; Weogufka-Marble Valley Division, Enumeration District 80.

House District 43 shall consist of: In Jefferson County: Tract 111.03, Tract 112.05, Block Group 1, Blocks 111, 112, 130, 135, 150, 152, 153, 154, 156, 157, and 165, Tract 112.06, Tract 113, Tract 117.06, Tract 119.01, Tract 120.02, Block Group 1, Block Group 2, Blocks 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 226, and 227, Block Group 3, Block Group 4, Block Group 6, Block Group 8, Block Group 9, Blocks 949 and 950, Tract 117.05, Tract 117.03, Tract 117.04, Block Group 1, Blocks 104, 105, 106, 108, 109, 111, and 112.

House District 44 shall consist of: In Jefferson County: Tract 111.05, Block Group 1, Block Group 2, excluding Blocks 228-250, 203-205, and 211, Tract 118.01, excluding Block Group 5, Tract 111.04, Tract 118.02, Tract 112.03, Tract 112.04, Tract 112.05, excluding Block Group 1, Blocks 111, 112, 130, 135, 150, 152, 153, 154, 156, 157, and 165.

House District 45 shall consist of: In Jefferson County: Tract 124.02, Block Group 4, excluding Blocks 411, 412, 413, 425, and 426, Block Group 5, Tract 124.03, Tract 123.02, Enumeration District 115, 116, Enumeration District 117, 118, Block Group 5, Block Group 9, Tract 121.04, Tract 115, Tract 116, Tract 120.01, Block Group 7, Tract 117.04, excluding Block Group 1, Blocks 104, 105, 106, 108, 109, 111, and 112, Tract 114, Tract 121.03, Tract 122.

House District 46 shall consist of: In Jefferson County: Tract 1, Tract 20, Tract 21, Tract 53.02, Tract 59.05, Tract 59.03, Tract 59.04, Tract 59.06, Tract 118.01, Block Group 5.

House District 47 shall consist of: In Jefferson County: Tract 47.02, Tract 23.05, Tract 23.06, Tract 108.01, Tract 56, Tract 108.03, Block Group 1, Tract 127.01, Tract 126.02, Tract 110, Block Group 1, Block Group 2, excluding Blocks 208, 210, 212, 226, 227, 228, 229, 230, 233, 234, 235, and 266, Tract 126.01, Tract 111.05, Block Group 2, Blocks 203-205, 211, 213, and 228-250, Block Group 3, Block Group 9, Tract 108.01, Block Group 3, Blocks 318, 319, 320, 322, 329, 330, 332, 333, 334, 335, 336, and 353.

House District 48 shall consist of: In Jefferson County, Tract 109, Tract 119.03, Tract 119.02, Tract 19.01, Tract 18.02, Tract 18.01, Tract 23.03, Tract 23.04, Tract 5, Block Group 3, Blocks 315, 320, 321, Block Group 4, Tract 53.01, Tract 2, Tract 19.02, Tract 24, Tract 3, Tract 22.

House District 49 shall consist of: In Jefferson County: Tract 130.01, Tract 130.02, Tract 57.02, Tract 52.00, Tract 38.03, Tract 38.02, excluding Block Group 6, Blocks 624, 627, 630, and 631; and Block Group 8, Tract 40, excluding Block Group 1, Blocks 104, 106, 120, and 121, Tract 37, Block Group 2, Block Group 3, Tract 39, Block Group 1, Block Group 3.

House District 50 shall consist of: In Jefferson County: Tract 51.01, Tract 51.02, Tract 42.00, Tract 44.00, Tract 41.00, Tract 50.00, Tract 49.00, excluding Block Group 1; Block Group 2, Block Group 3; Block Group 4, Blocks 401, 402, and 403; and Block Group 8, Blocks 818 and 819, Tract 58, Block Group 9, Blocks 908, 909, 910, 911, and 916, Tract 40, Block Group 1, Blocks 104, 106, 120, and 121, Tract 28.01, Tract 28.02, Tract 29, Tract 30.02.

House District 51 shall consist of: In Jefferson County: Tract 137.00, Tract 133.00, Tract 105.00, Tract 136.01, Tract 131.00, Tract 57.01, Tract 132.00, Block Group 1, Block Group 2, Tract 106.02, Tract 106.01, Tract 38.01, Tract 132, Block Group 3, Block Group 4, Tract 36, Block Group 7, Tract 38.02, Block Group 6, Blocks 624, 627, 630, and 631, Block Group 8.

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House District 52 shall consist of: In Jefferson County: Tract 36, excluding Block Group 7, Tract 37, Block Group 4, Block Group 6, Tract 34, Tract 106.03, Tract 134, Tract 135, Tract 35, Tract 123.01, excluding Block Group 5, Blocks 513 (outside City portion) and 550; and Block Group 7, Tract 125, Tract 124.02, Block Group 1, Block Group 2, Blocks 216, 221, and 222, Block Group 4, Blocks 411, 412, 413, 425, and 426, Block Group 9.

House District 53 shall consist of: In Jefferson County: Tract 104.02, Tract 141.05, Tract 142.03, Tract 141.03, Tract 141.02, Tract 140, Tract 138.01, Block Group 7, Tract 100.02, Tract 100.01, Tract 139.02, Tract 123.02, Block Group 1, Block Group 8, Tract 143.01, Block Group 4, Block Group 6, Blocks 601 and 604, Tract 142.02.

House District 54 shall consist of: In Jefferson County: Tract 141.04, Tract 104.01, Tract 103.02, Tract 102, Tract 138.01, excluding Block Group 7, Tract 101, Tract 138.02, Tract 139.01, Tract 143.01, excluding Block Group 4 and Block Group 6, Blocks 601 and 604, Tract 123.01, Block Group 5, Blocks 513 (outside city portion) and 550, Block Group 7, Tract 136.02, Tract 103.01, Block Group 5, Block Group 6, Block Group 7, Tract 143.02, Block Group 9, Blocks 901, 909, and 910.

House District 55 shall consist of: In Jefferson County: Tract 32, Tract 33, Tract 31, Tract 30.01, Tract 11, Tract 12, Tract 124.01, Tract 39, excluding Block Group 1 and Block Group 3, Tract 37, Block Group 1, Block Group 5, Tract 124.02, Block Group 2, Blocks 204-207, 211, and 223-228, Tract 39, Block Group 1, Block Group 3, Tract 10, excluding Block Group 4, Blocks 411, 412, 413, and 423.

House District 56 shall consist of: In Jefferson County: Tract 14, Tract 15, Tract 16, Tract 47.03, Tract 47.01, Tract 46, Tract 27, Tract 45, Tract 26.02, Tract 26.01, Tract 48, excluding Block Group 2 and Block Group 3, Tract 25, Tract 17, Tract 6, Tract 7, Block Group 2, Blocks 221, 222, 223, and 224, Block Group 3, Tract 49, Block Group 1, Block Group 2, Block 205, Block Group 4, Blocks 401, 402, and 403, Block Group 8, Blocks 818 and 819.

House District 57 shall consist of: In Jefferson County: Tract 8, Tract 55, Tract 4, Tract 10, Block Group 4, Blocks 411, 412, 413, and 423, Tract 9, Tract 120.02, Block Group 2, excluding Blocks 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, and 227, Block Group 5, Block Group 9, excluding Blocks 949, 950, and 951, Tract 7, excluding Block Group 2, Blocks 221, 222, 223, and 224; and Block Group 3, Tract 120.01, Block Group 6, Block Group 9, Tract 54, Tract 5, Block Group 1, Block Group 2, Block Group 3, excluding Blocks 315, 320, 321, Block Group 5, Block Group 6.

House District 58 shall consist of: In Jefferson County: Tract 143.02, excluding Block Group 9, Blocks 901, 909, and 910, Tract 107.06, Tract 58, excluding Block Group 9, Blocks 908-911, and 916, Tract 107.01, Tract 107.02, Tract 107.03, Tract 107.04, Tract 107.05, Tract 144.03, Tract 144.01, Block Group 1, excluding Blocks 109, 110, 111, 112, 113, 114, 140, and 141, Tract 129.01, Block Group 2, Tract 49, Block Group 2, Blocks 207, 208, 209, 210, 232, 235, and 236, Block Group 3, Tract 48, Block Group 2, Block Group 3, Tract 108.01, Block Group 3, Blocks 318, 319, 320, 322, 329, 330, 332, 333, 334, 335, 336, and 353, Tract 108.02, Block Group 4, Blocks 402, 409, 410, 418, 419, 426, 427, 428, 429, 431, 462, and 463, Tract 142.04.

House District 59 shall consist of: In Jefferson County: Tract 129.02, Block Group 1, Block Group 2, Tract 129.03, Tract 128.01, Tract 108.03, Block Group 5, Tract 108.02, excluding Block Group 4, Blocks 402, 409, 410, 418, 419, 426, 427, 428, 429, 431, 462, and 463, Tract 108.04, Tract 108.05,

Tract 128.02, Tract 127.02, Tract 110, Block Group 2, Blocks 208, 210, 212, 226-230, 233-235, 238-245, 251, and 252, Block Group 3, Block Group 4, Block Group 5.

House District 60 shall consist of: In Jefferson County, Tract 144.01, Block Group 1, Blocks 109-114, 140, Block Group 2, Block Group 3, Tract 129.01, Block Group 3, Tract 144.02, Tract 129.04, Tract 129.02, Block Group 4.

House District 61 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Tract 102, Block Group 1, Blocks 120 and 121, Tract 104.01, Block Groups 1 and 2, Tract 115, Tract 116, Tract 117, Tract 118, Tract 119, Tract 124.

House District 62 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Tract 107, Tract 108, Tract 120, Tract 121, Tract 122, Tract 123, Tract 125.

House District 63 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Northport City, Tract 102, excluding Block Group 1, Blocks 120 and 121, Tract 104.02; Remainder of Tuscaloosa Division, Tract 105, Tract 106, Tract 109, Tract 110, Tract 111, Tract 112, Tract 113, Tract 114.

House District 64 shall consist of: Monroe County: Conecuh County.

House District 65 shall consist of: Clarke County, excluding Thomasville Division. Washington County.

House District 66 shall consist of: Marengo County: In Clarke County, Thomasville Division. In Choctaw County: Gilbertown Division; Silas Division.

House District 67 shall consist of: Sumter County: Greene County. In Choctaw County: Butler Division; Lisman Division.

House District 68 shall consist of: Perry County: Hale County. In Dallas County: Carlowville Division; Orrville Division; Safford Division; Sardis Division, except Enumeration District 0061, Enumeration District 0062.

House District 69 shall consist of: Wilcox County: Lowndes County. In Dallas County: Craig Tyler Division; Sardis Division, Tract 9999.99, Enumeration District 0061, Enumeration District 0062.

House District 70 shall consist of: In Dallas County: Selma Division.

House District 71 shall consist of: Autauga County: In Chilton County: Isabella Peltcher Division; Maplesville Division.

House District 72 shall consist of: In Chilton County: Clanton Division; Jemison Division; Mineral Springs Division. Bibb County.

House District 73 shall consist of: In Montgomery County: Montgomery City, Tract 13, Block Groups 1 and 2, Tract 14, excluding Block Group 1, Blocks 103-106, Block Group 4, Blocks 413-418, Block Group 5, Blocks 501-507, Tract 15, including Block Group 1, Blocks 111-113 and 118-122, Block Groups 2 and 3, Blocks 301-308, Tract 16, excluding Block Group 1, Tract 20, Tract 21, Tract 22, Block Groups 1 and 2, Tract 28, Tract 33, Tract 54.05, Tract 56.02.

House District 74 shall consist of: In Montgomery County: Montgomery Division, Montgomery City, Tract 5, Tract 16, Block Group 1, Tract 17, Tract

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18, Tract 19, Tract 26, Tract 27, Tract 53.01, Tract 53.02, Tract 54.02, Tract 54.03.

House District 75 shall consist of: In Montgomery County: Montgomery Division, Montgomery City, Tract 54.04, Tract 29, Tract 31, Tract 32, Tract 54.01, Remainder of Montgomery, Mount Meigs Division, Tract 55, Tract 56.01, Tract 56.03; Pine Level Division, Tract 57; Ramer Division, Tract 58; Remainder of Hope Hull Division, Tract 59.01.

House District 76 shall consist of: In Montgomery County: Montgomery Division; Remainder of Montgomery Division, Tract 3, Block Groups 1, 2 and 9, Block Group 6, Block 655, Tract 4, Tract 9, Tract 25, Tract 51.01, Tract 51.02, Tract 51.03, Tract 60.01. In Elmore County: Elmore Division; Wetumpka Division, Enumeration District 966, Enumeration District 965U, Enumeration District 965T; Remainder of Tallassee Division, Enumeration District 958.

House District 77 shall consist of: In Montgomery County: Montgomery City, Tract 1, Tract 2, Tract 3, excluding Block Group 1, Block Group 6, Block 655, Tract 4, Block Groups 7 and 8, Tract 6, Tract 7, Tract 11, excluding Block Groups 1 and 7, Tract 12, Tract 13, Block Group 4, Tract 14, including Block Group 1, Blocks 103-106, Block Group 4, Blocks 413-418, Block Group 5, Blocks 501-507, Tract 15, Block Group 1, excluding Blocks 111-113 and 118-122, Block Groups 2 and 3, excluding Blocks 301-308; Remainder of Montgomery Division, except Tract 51.02.

House District 78 shall consist of: In Montgomery County: Montgomery City, Tract 10, Tract 11, Block Groups 1 and 7, Tract 13, Block Group 3, Tract 22, excluding Block Groups 1 and 2, Tract 23, Tract 24, Tract 30, Tract 59.01, Tract 59.02, Tract 60.02.

House District 79 shall consist of: In Lee County: Auburn City, excluding Tract 405; Remainder of Auburn-Opelika Division, Tract 404, Tract 406, Tract 409; Loachapoka-Roxana Division; Beauregard-Marvyn Division.

House District 80 shall consist of: In Lee County: Opelika City, Tract 405; Remainder of Auburn-Opelika Division, Tract 411, Tract 412, Tract 417; Beulah Division; Smith-Salem Division.

House District 81 shall consist of: In Tallapoosa County.

House District 82 shall consist of: Macon County; Bullock County.

House District 83 shall consist of: In Russell County: Except Tract 309.02, Enumeration District 376.

House District 84 shall consist of: Barbour County: Russell County; Cottonton-Seale Division; Crawford Division; Hurtsboro Division; Remainder Phenix City Division, Tract 309.02, Enumeration District 376.

House District 85 shall consist of: In Houston County: Tract 412, Tract 406, Tract 413, Tract 414, Tract 415, Tract 416, Tract 417, Tract 418. Henry County.

House District 86 shall consist of: In Houston County: Tract 402, Block Group 4, Tract 403, Tract 404, Tract 405, Tract 407, Tract 408, Tract 409, Tract 410, Tract 411, Tract 419.

House District 87 shall consist of: Geneva County: In Houston County: Cottonwood Division; Madrid Division; Dothan Division; Tract 401, Tract 402, except Block Group 4.

House District 88 shall consist of: Coffee County.

House District 89 shall consist of: Pike County; Dale County, Echo Division, Tract 202; Ozark Division, Tract 201A; Remainder of Ozark Division, Tract 201P, Tract 203P, Tract 204.

House District 90 shall consist of: Dale County, except Echo Division, Tract 202; Ozark Division, Tract 201A; Remainder of Ozark Division, Tract 201P, Tract 203P, Tract 204.

House District 91 shall consist of: Butler County; Crenshaw County.

House District 92 shall consist of: Covington County.

House District 93 shall consist of: Escambia County.

House District 94 shall consist of: In Baldwin County: Elberta Division; Fairhope Division; Foley Division; Robertsedale Division, Robertsedale City (all), Tract 109, Enumeration District 0401; Summerdale Division.

House District 95 shall consist of: In Baldwin County: Bay Minette Division, except Tract 103, Enumeration District 0392, Enumeration District 0396, Enumeration District 0398, Enumeration District 0399, Tract 104, Enumeration District 0391, Tract 105, Enumeration District 0395, Tract 106, Enumeration District 0397; Daphne Division; Robertsedale Division, except Tract 109, Enumeration District 0404T, Enumeration District 0404U, Enumeration District 0410; Stockton Division.

House District 96 shall consist of: In Baldwin County: Bay Minette Division, Tract 103, Enumeration District 0392, Enumeration District 0396, Enumeration District 0398, Enumeration District 0399, Tract 104, Enumeration District 0391, Tract 105, Enumeration District 0395, Tract 106, Enumeration District 0397. In Mobile County: Mobile Division, Tract 38.02, Tract 38.99, Tract 47, except Block Groups 2 and 3 in Prichard City, Tract 48, except Block Groups 3 and 4 in Prichard City, Tract 50, except that portion of Tract 50 in Prichard City, Tract 51, Tract 52, Tract 53, Tract 54, Tract 55, Tract 56, Tract 57, Tract 61, Saraland City, Block Group 1; Mobile Division Remainder, Block Group 8, Block 822, Block 824, Block 825, Saraland City, Block Group 9, Blocks 913-917; Mobile Division Remainder, Block Group 9, Block 913, Block 918, Block 905, Block 906, Block 901, Block 972, Block 919, Block Group 2, Block 227; Mobile Division, Prichard City, Block Group 2A, Blocks 203, 204, 205, 206, 208, 209, 210, 211, 214, 218-221, 223-226; Mount Vernon Division, Tract 58, Enumeration District 0529.

House District 97 shall consist of: In Mobile County: Citronelle Division; Mobile Division, Tract 34.03, Block Group 1 Mobile City, Block Group 5 in Mobile City, Block Group 9 in Mobile City, Tract 34.03 outside of Mobile City, Tract 61 except Block Group 2 in Mobile City, and Block Group 2 outside of Mobile City, Saraland City, Block Group 1; Mobile Division Remainder, Block Group 8, Blocks 822, 824, 825; Saraland City, Block Group 9, Blocks 913-917; Mobile Division Remainder, Block Group 9, Blocks 913, 918, 905, 906, 901, 972, 919; Mobile Division, Block Group 2, Block 227; Prichard City, Block Group 2A, Blocks 203, 204, 205, 207, 208, 214, 218-221, 223-226; Mount Vernon Division, Tract 58, Enumeration District 526, Enumeration District 528, Enumeration District 0525, Enumeration District 0527; Semmes Division, Tract 62, Tract 63.

House District 98 shall consist of: In Mobile County: Mobile Division, Tract 38.01, Tract 39.01, Tract 39.02, Tract 40, Tract 41, Tract 42, Tract 43, Tract 44, Tract 45, Tract 46, Tract 47, Block Group 2 of Prichard City, Block

Group 3 of Prichard City, Tract 48, Block Group 3 of Prichard City, Block Group 4 of Prichard City, Tract 49, Tract 50 in Prichard City.

House District 99 shall consist of: In Mobile County: Mobile Division, Tract 3, Block Group 4 in Mobile City, Tract 4.01, Tract 4.02, Tract 5, Tract 6, Tract 7.01, Tract 7.02, Tract 8, Tract 9.01, Block Group 1 in Mobile City, Tract 12.01, Tract 26, Tract 27, Block Group 1 in Mobile City, Block Group 5 in Mobile City.

House District 100 shall consist of: In Mobile County: Mobile Division, Tract 27, Block Group 4 in Mobile City, Tract 28, Block Group 5 in Mobile City, Tract 29, Tract 30, Tract 31, Tract 32.01, Tract 32.02, Tract 33.01, Tract 33.02, Block Group 2 in Mobile City, Block Group 3 in Mobile City, Block Group 4 in Mobile City, Tract 37.01, Block Group 1 in Mobile City, Tract 37.02, except in Block Group 3 in Mobile City.

House District 101 shall consist of: In Mobile County: Mobile Division, Tract 32.03, Tract 33.02, Block Group 1 in Mobile City, Block Group 5 in Mobile City, Tract 34.01, Tract 34.02, Tract 34.03 in Mobile City except Block Group 1 in Mobile City, and Block Group 5 in Mobile City, and Block Group 9 in Mobile City, Tract 34.04, Tract 34.05, Tract 34.06, Tract 35.01, Tract 35.02, Tract 36.01, Tract 36.02, Tract 36.03, Tract 61, Block Group 2 in Mobile City, Block Group 2 outside of Mobile City.

House District 102 shall consist of: In Mobile County: Mobile Division, Tract 37.01, Block Group 2 in Mobile City, Block Group 5 in Mobile City, Tract 37.02, Block Group 3 in Mobile City, Tract 68; Tanner-Williams Division, Tract 64; Theodore Division, Tract 69.

House District 103 shall consist of: In Mobile County: Mobile Division, Tract 1, Tract 2, Tract 3, except Block Group 4 of Mobile City, Tract 9.03, Tract 10.01, Tract 10.02, Tract 11, Tract 12.02, Tract 12.99, Tract 13.01, Tract 13.02, Tract 14, Tract 15.01, Tract 15.02, Tract 16, Tract 17, Block Group 2 of Mobile City, Tract 18, Block Group 1 of Mobile City, Tract 23.01, Block Group 1 of Mobile City, Block Group 2 of Mobile City, Tract 23.02, Tract 24, Block Group 1 of Mobile City, Block Group 2 of Mobile City, Block Group 3 of Mobile City.

House District 104 shall consist of: In Mobile County: Mobile Division, Tract 9.01, except Block Group 1 in Mobile City, Tract 9.02, Tract 17, except Block Group 2 in Mobile City, Tract 18, except Block Group 1 in Mobile City, Tract 19.01, Tract 19.02, Tract 20, Tract 21, Tract 22, Tract 23.01, Block Group 3 in Mobile City, Tract 24, except Block Group 1 in Mobile City, and Block Group 2 in Mobile City, and Block Group 3 in Mobile City, Tract 25.01, Tract 25.02, Tract 27, Block Group 2 in Mobile City, Block Group 3 in Mobile City, Tract 28 except Block Group 5 in Mobile City.

House District 105 shall consist of: In Mobile County: Bayou LaBatre Division, Tract 72.01, Tract 72.02, Tract 72.99, Tract 73; Grand Bay Division, Tract 65, Tract 66, Tract 67; Theodore Division, Tract 70, Tract 71.

Section 2. The Senate of Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

District 1 House District Nos. 1, 2 and 3;

District 2 House District Nos. 4, 5 and 6;
District 3 House District Nos. 7, 8 and 9;
District 4 House District Nos. 10, 11 and 12;
District 5 House District Nos. 13, 14 and 15;
District 6 House District Nos. 16, 17 and 18;
District 7 House District Nos. 19, 20 and 21;
District 8 House District Nos. 22, 23 and 24;
District 9 House District Nos. 25, 26 and 27;
District 10 House District Nos. 28, 29 and 30;
District 11 House District Nos. 31, 32 and 33;
District 12 House District Nos. 34, 35 and 36;
District 13 House District Nos. 37, 38 and 39;
District 14 House District Nos. 40, 41 and 42;
District 15 House District Nos. 43, 44 and 45;
District 16 House District Nos. 46, 47 and 48;
District 17 House District Nos. 49, 50 and 51;
District 18 House District Nos. 52, 53 and 54;
District 19 House District Nos. 55, 56 and 57;
District 20 House District Nos. 58, 59 and 60;
District 21 House District Nos. 61, 62 and 63;
District 22 House District Nos. 64, 65 and 66;
District 23 House District Nos. 67, 68 and 69;
District 24 House District Nos. 70, 71 and 72;
District 25 House District Nos. 73, 74 and 75;
District 26 House District Nos. 76, 77 and 78;
District 27 House District Nos. 79, 80 and 81;
District 28 House District Nos. 82, 83 and 84;
District 29 House District Nos. 85, 86 and 87;
District 30 House District Nos. 88, 89 and 90;
District 31 House District Nos. 91, 92 and 93;
District 32 House District Nos. 94, 95 and 96;
District 33 House District Nos. 97, 98 and 99;
District 34 House District Nos. 100, 101 and 102;
District 35 House District Nos. 103, 104 and 105.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1982, and until each house of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

On motion of Mr. Proctor, said substitute was laid on the table.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

Also:

S. J. R. 4. EXPRESSING APPRECIATION TO MR. ALBERT A. MARKS, JR., CHAIRMAN OF THE BOARD OF THE MISS AMERICA PAGEANT.

Also:

S. J. R. 5. MOURNING THE DEATH OF MR. CLAUDE EUGENE McCOY OF LANETT, ALABAMA.

Also:

S. J. R. 6. COMMENDING AMERICA'S TOP BAND, "ALABAMA".

Also:

S. J. R. 7. COMMENDING MR. JIMMY D. SMITH OF DECATUR, ALABAMA, CHAMBER OF COMMERCE "SMALL BUSINESS PERSON OF THE YEAR."

Also:

S. J. R. 8. COMMENDING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD.

Also:

S. J. R. 9. COMMENDING FRED JASON RHODES OF MONTGOMERY, ALABAMA, WINNER OF THE CULTURAL ARTS AWARD OF THE ALABAMA CONGRESS OF PARENTS AND TEACHERS.

Also:

S. J. R. 10. HONORING MRS. LULA CORNELIA MORGAN ROBERTS UPON THE OCCASION OF HER 104TH BIRTHDAY.

ALBERT McDONALD,
Chairman.

SIGNING RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 60

The Senate proceeded to further consideration of the Bill, S. B. 60.

Mr. White offered the following amendment to the Bill, S. B. 60, to-wit:

AMENDMENT TO S. B. 60

Amend S. B. 60 by striking all the descriptions of house districts 14, 35, 34, 15, 33, 52, 49, 31, 32, 39, 43, 45, 51, 37, 39, 38, 40, 36, 49, 42 and 50, and insert in lieu the following descriptions:

House District 14 shall consist of: In Jefferson County: Tract 0115, Enumeration District 127, Enumeration District 104, Enumeration District 128T, Enumeration District 128U, Tract 0114, Tract 0113, Tract 0117.04, except in Gardendale-Gardendale Division, Block Group 1, Blocks 104, 105, 106, 108, 109, 111 and 112, Tract 0117.06, Tract 0112.06, Tract 0112.05, Tract 112.04, Block Group 9, Blocks 958, 957, 955, 954, 952, 951, 950, 939, 938, 937, 936, 934, 925, 923, 959, 953. In Blount County: Tract 0506—Hayden Division, Tract 0505—Blountsville Division, except Enumeration District 782 except enumeration district 780, Tract 507—Locust Fork Division, Enumeration District 807, Enumeration District 811, Block Group 1, Block Group 3.

House District 35 shall consist of: In Jefferson County: Tract 0117.05, Tract 0117.03, Tract 0120.02, Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 6, Block Group 8, Block Group 9, Tract 0119.01, Tract 0109, Tract 0119.02, except Birmingham-Birmingham Division, Block Group 5, Blocks 505, 506, 508, Tract 0059.06: Block Group 1, Block Group 9, Block Group 6, Tract 0118.01; Birmingham-Birmingham Division, Block Group 6: Blocks 625 and 623; Birmingham-Birmingham Division, Block Group 1, Tract 0112.04: Block Group 1, Block Group 9: Blocks 968 and 917, Tract 0117.04: Gardendale-Gardendale Division Block Group 1: Blocks 104, 105, 106, 108, 109, 111, 112.

House District 34 shall consist of: In Jefferson County: Tract 0118.01: Block Group 5, Tract 0059.06: Block Group 2, Tract 0119.02: Birmingham-Birmingham Division, Block Group 5: Blocks 505, 506 and 508, Tract 0059.04, Tract 0059.05, Tract 0059.03, Tract 0053.01, Tract 0053.02, Tract 0001, Tract 0119.03, Block Group 2, Block Group 3, Block Group 4, Block Group 5, Tract 0111.04: Block Group 1, Blocks 103, 104, and 105; Birmingham-Birmingham Division, Block 150, Block Group 4: Blocks 403 and 412, Block Group 9, Block 987.

House District 15 shall consist of: In Jefferson County: Tract 0118.01, All Block Group 6, except Birmingham, Birmingham Division, Blocks 625 and 633, Block Group 7, Block Group 8, Block Group 1; Remainder Birmingham Division, Block 168; Remainder Birmingham Division, Block 143, Tract 0112.04, Block Group 2, Block Group 3, Block Group 9: Blocks 945, 946, 919, 920, 947, Tract 0112.03, Tract 0118.02, Tract 0111.03, Tract 0111.04, except Block Group 1, Blocks 103, 104 and 105; Birmingham-Birmingham Division

of Block 150, except Block Group 4, Blocks 403 and 412 and except Block Group 9, Block 987, Tract 0111.05: Block Group 1, Block Group 2, Except Block 250. In St. Clair County: Tract 0405: Enumeration District 859, Enumeration District 860, Enumeration District 865.

House District 33 shall consist of: In Jefferson County: Tract 0023.06, Block Group 4, Block Group 8, Blocks 809, 820, 801, 802, 811, 812, 813, 814, 821, 803, 805, 815, Tract 0023.05: Tract 0003, Tract 0018.01, Tract 0018.02, Tract 0023.03, Tract 0019.01, Tract 0019.02, Tract 0002, Tract 0022, Tract 0020, Tract 0021, Tract 0126.01, Tract 0126.01, Tract 0111.05 in Trussville Division, In Trussville City: Block 250; In Remainder of Trussville Division: Block 250, Block Group 3, except 315, 337, 338, 339, 340, 341 and 342, Block Group 9.

House District 52 shall consist of: In Jefferson County: Tract 0110, Tract 0127.02, Block Group 1, Blocks 104, 105, 106, 108, 109, 114, 115, 116, and 118, Tract 0111.05 in the Remainder of Trussville Division, Blocks 315, 337, 338, 339, 340, 341 and 342. In Shelby County: Tract 0301, Tract 0302, Tract 0305, Tract 0306.02, Enumeration District 14 only, Tract 0307.01, Tract 0307.02, Tract 0308. In Talladega County: In Sylacauga Division: Enumeration District 699A.

House District 50 shall consist of: In Jefferson County: Tract 0144.02, Block Group 5. In Shelby County: Tract 0303.01, Tract 0303.02, Tract 0304.01, Tract 0304.02: Enumeration District 21, Tract 0306.01, Tract 0306.02, except Enumeration District 14.

House District 31 shall consist of: In Jefferson County: Tract 0108.01, Tract 0108.02, Tract 0108.03, Tract 0108.04, Tract 0108.05, Tract 0128.02, Tract 0128.01, Tract 0127.01, Tract 0127.02, except Blocks 104, 105, 106, 108, 109, 114, 115, 116, 117 and 118 in Block Group 1, Tract 0129.03, Block Group 8, Block Group 5, Block 529.

House District 32 shall consist of: In Jefferson County: Tract 0058, Tract 0050, Tract 0049, Tract 0048, Tract 0047.01, Tract 0047.02, Tract 0047.03, Tract 0046, Tract 0025, Tract 0024, Tract 0056, Tract 0023.04, Tract 0023.06, Block Group 3, Block Group 8, Blocks 822 and 823.

House District 44 shall consist of: In Jefferson County: Tract 0030.02, Block Group 1, Tract 0031.00, Tract 0014, Tract 0015, Tract 0016, Tract 0017, Tract 0026.01, Tract 0026.02, Tract 0027, Tract 0045, Tract 0044, Tract 0028.01, Tract 0030.01, Block Group 2.

House District 43 shall consist of: In Jefferson County: Tract 0120.02, Block Group 5, Tract 0008, Tract 0009, Block Group 1, Block Group 2, Block Group 3, Tract 0007, Tract 0006, Tract 0005, Tract 0055, Tract 0004, Tract 0054, Tract 0119.03, Block Group 1, Tract 0120.01, Block Group 7 except Block 727, Block Group 9.

House District 45 shall consist of: In Jefferson County: Tract 0011, Tract 0012, Tract 0010, Tract 0032, Tract 0033, Tract 0125, Block Group 7, Tract 0009, Block Group 5, Block Group 7, Block Group 8, Block Group 6, Block Group 4, Tract 0124.01, Block Group 1, Tract 0121.03, Tract 0120.01, Block Group 7, Block 727, Block Group 6.

House District 51 shall consist of: In Jefferson County: Tract 0129.03: All Block Group 5, except Block 529, Block Group 6, Block Group 9, Tract 0129.02, Tract 0129.01, except in Block Group 2, Blocks 214, 215, 225, 230, 235, 236 and 244, Tract 0129.04, Tract 0144.02: Block Group 4, Block Group

8, Tract 0144.01, Block Group 2, Blocks 206, 210, 211, 214, 215, 218, 219, 220, 243, 244 and 245.

House District 49 shall consist of: In Jefferson County: Tract 0107.01, Tract 0107.02, Tract 0107.03, Tract 0107.04, Tract 0107.05, Tract 0107.06, Tract 0144.01, Block Group 1 Except Blocks 109, 110, Block Group 2, Except Blocks 206, 210, 211, 214, 215, 218, 219, 220, 243, 244 and 245, Block Group 3 Except Blocks 334, 338, 339, and 317, Tract 0130.02, Tract 0130.01, Tract 0051.02, Block Group 9, Tract 0129.01, Block Group 2, Blocks 214, 215, 225, 230, 235, 236 and 244.

House District 39 shall consist of: In Jefferson County: Tract 0030.01, except Block Group 2, Tract 0039, Tract 0041, Tract 0042, Tract 0051.01, Tract 51.02 except Block Group 9, Tract 0040, Block Group 1, Block Group 2, Tract 0030.02, Block Group 2, Block Group 3, Block Group 4, Tract 0038.02, Tract 0028.02, Tract 0029.00.

House District 38 shall consist of: In Jefferson County: Tract 0052, Tract 0057.01, Tract 0057.02, Tract 0036, Tract 0038.01, Tract 00132, Tract 0038.03, Tract 0040, Block Group 4, Block Group 5, Block Group 3, Block Group 6, Block Group 7, Block Group 8, Tract 0133, Block Group 1, Blocks 125, 129, 135, 126, 112, 128, 127.

House District 37 shall consist of: In Jefferson County: Tract 0106.01, Tract 0106.02, Tract 0106.03, Tract 0135, Tract 0139.01: Block Group 1, Tract 0134, Tract 0136.01, Tract 0136.02, Tract 0137: Block Group 1, Block Group 2, Block Group 4, Tract 0133 Except Block Group 1, Blocks 125, 129, 135, 126, 112, 128, 127, Tract 0105, Tract 0131.

House District 36 shall consist of: In Jefferson County, Tract 37, Tract 34, Tract 35, Tract 125, Block Group 1, Block Group 2, Block Group 4, Block Group 5, Block Group 8, Block Group 9, Tract 124.03, Tract 121.04, Tract 116, Tract 115, Enumeration District 105, Tract 124.02, Tract 124.01, Block Group 3.

House District 40 shall consist of: In Jefferson County: Tract 0138.01, Tract 0141.04, Tract 0102, Tract 0102, Tract 0101, Tract 0103.02, Tract 0143.02, Tract 0143.01, Block Group 3, Block Group 4, Block Group 6, Block 620, Tract 0144.03, Block Group 4, Block Group 1, Block 107, Block 6, Tract 0137, Block Group 3, Tract 0138.02, Tract 0144.01, Block Group 1, Block 109, 110, Block Group 3, Block 334, 338, 339, 317.

House District 42 shall consist of: In Walker County, Tract 0216. In Jefferson County, Tract 0122, Tract 0123.02, Tract 0123.01, Tract 0139.02, Tract 0100.01, Tract 0100.02, Tract 0139.01, Block Group 2, Block Group 4, Tract 0140, Block Group 1, Block Group 2, Blocks 214, 216, 215, 213, 212, 209, 208, 207, 206, 217, 218, 219, 202, 205, 210, 211, 201, 204.

House District 41 shall consist of: In Walker County: Tract 0215, Tract 0213, Enumeration District 915, Tract 0214, Enumeration District 910, Enumeration District 909U. In Jefferson County: Tract 0141.02, Tract 0141.03, Tract 0141.05, Tract 0104.02, Tract 0104.01, Tract 0142.03, Tract 0142.02, Tract 0142.04, Tract 0103.01, Tract 0144.03, Block Group 1 except Block 107, Block Group 9, Tract 0140, Block Group 2, Block 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, Block Group 9, Tract 0143.01, Block Group 6 except Block 620.

On motion of Mr. Proctor, said amendment was laid on the table.

Mr. Figures offered the following substitute for the Bill, S. B. 60, to-wit:

SUBSTITUTE FOR S. B. 60

A BILL
TO BE ENTITLED
AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

House District 1 shall consist of: In Lauderdale County: Florence Division, Florence City (all).

House District 2 shall consist of: In Lauderdale County: Cloverdale Division, Tract 114, Block Group 1 outside of town groups, Block Group 2 outside of town groups; Florence Division, St. Florian Town (all), Remainder of Florence Division; Killen Division (all); Lexington Division (all); Oakland Division (all); Rogersville Division (all).

House District 3 shall consist of: In Colbert County: Leighton Division, Tract 208, Block Group 1 outside of town groupings, Enumeration District 0901, Enumeration District 0902T, Enumeration District 0902U; Tri-Cities Division (all).

House District 4 shall consist of: In Colbert County: Cherokee Division (all); Leighton Division, Leighton Town (all), Tract 208, Enumeration District 0903, Enumeration District 0904T, Enumeration District 0904U; Littleville Division (all). In Franklin County: Russellville Division except Enumeration District 0058 and Enumeration District 0059. In Lauderdale County: Cloverdale Division, except Tract 114, Block Group 1 outside of town groups and Block Group 2 outside of town groups; Waterloo Division.

House District 5 shall consist of: In Franklin County: Phil Campbell Division (all); Red Bay Division (all); Russellville Division, Enumeration District 0058, Enumeration District 0059; Vina Division (all). In Lamar County: Sulligent Division, Detroit Town (all), Enumeration District 0006. In Lawrence County: Mount Hope Division, Enumeration District 0015. In Marion County: Bear Creek Division (all); Bexar Division (all); Hackleburg Division (all); Hamilton Division (all).

House District 6 shall consist of: In Fayette County: Fayette Division, Fayette City (all), Enumeration District 0463A, Enumeration District 0465; North River Division (all); Russell Division (all). In Lamar County: Millport Division, Millport Town (all), Enumeration District 0016, Sulligent Division except Detroit Town and Enumeration District 0006; Vernon Division (all). In Marion County: Brilliant Division (all); Guin Division (all); Winfield Division (all).

House District 7 shall consist of: Lawrence County except Mount Hope Division, Enumeration District 0015. In Morgan County: Danville Division (all), Decatur Division, Tract 0051: Block Group 6 of Decatur City, Block Group 6 outside of town groups, Enumeration District 0270.

House District 8 shall consist of: In Morgan County: Decatur Division, Tract 1, Tract 2, Tract 4, Tract 5, Tract 6, Tract 7, Tract 8, Tract 9, Tract 10, Tract 6151, Block Group 5 of Decatur City, Block Group 3 of Trinity Town,

Block Group 4 of Trinity Town, Block Group 5 of Trinity Town, Block Group 1 outside of town groups, Block Group 2 outside of town groups, Block Group 3 outside of town groups, Block Group 4 outside of town groups, Block Group 5 outside of town groups.

House District 9 shall consist of: In Morgan County: Decatur Division, Tract 3 in Decatur City, Tract 51, Block Group 7 of Decatur City, Block Group 8 of Decatur City, Block Group 9 of Decatur City, Block Group 7 of Flint City Town, Block Group 9 of Flint City Town, Block Group 7 outside of town groups, Block Group 8 outside of town groups, Block Group 9 outside of town groups, Eva Division excluding Tract 56, Enumeration District 0260, Falkville Division (all), Hartselle Division (all), Somerville Division, except Tract 54.02, Enumeration District 0258.

House District 10 shall consist of: Cullman County, except Baileyton-Joppa Division, Bremen Division, Enumeration Division 0143, Crane Hill Division, Cullman Division, West Point Town, Hanceville Division, Garden City Town, Hanceville City, Enumeration District 0139, Jones Chapel Division, Logan Division, Vinemont Division, South Vinemont Town, West Point Town, Enumeration District 0110, Enumeration District 0111A, Enumeration District 0112, Enumeration District 0113.

House District 11 shall consist of: Blount County, except Brooksville Division, Tract 504, Enumeration District 0776, Enumeration District 0779, Clarence Division, Oneonta Division, Tract 501, Enumeration District 0800, Enumeration District 0801, Enumeration District 0804. In Cullman County: Baileyton-Joppa Division (all), Hanceville Division except Enumeration District 0140.

House District 12 shall consist of: In Cullman County: Bremen Division, Enumeration District 0143, Crane Hill Division (all), Cullman Division, West Point Town (all), Jones Chapel Division (all), Logan Division (all), Vinemont Division except Enumeration District 0109. In Winston County: (all).

House District 13 shall consist of: In Fayette County: Berry Division (all), Fayette Division, Enumeration District 0464. In Walker County: Carbon Hill Division (all), Cordova Division (all), Flat Creek-Wegra Division (all), Manchester Division (all), Nauvoo Division (all), Oakman Division (all), Parrish Division (all), Sipsey Division, Tract 208, Enumeration District 0852T, Townley Division (all).

House District 14 shall consist of: In Walker County: Dora Division (all), Empire Division (all), Jasper Division (all), Sipsey Division except Tract 208, Enumeration District 0852T.

House District 15 shall consist of: In Tuscaloosa County: Brookwood Division (all), Coaling-Vance Division, Tract 107, Enumeration District 0666T, Samantha Division (all), Tuscaloosa Division, Tract 104.02, Tract 108, Tract 121, Tract 122, Tract 123, Windham Springs Division (all).

House District 16 shall consist of: Limestone County, except Tract 201, Athens Division, Tract 202, Enumeration District 0681, Tract 208, Enumeration District 0690T, Enumeration District 0690U.

House District 17 shall consist of: In Limestone County: Athens Division, Tract 201, Tract 202, Enumeration District 0681, Tract 208, Enumeration District 0690T, Enumeration District 0690U. In Madison County: Tract 104, Tract 105, Tract 14, Tract 112, Tract 110, Tract 111, Tract 103, Enumeration District 531, Tract 28.02, Tract 28.01, Block Group 9, Block 901.

House District 18 shall consist of: In Madison County: Tract 5.01, Tract 5.02, Tract 5.03, Tract 6.01, Tract 6.02, Tract 13, Block Group 2, Tract 15, Tract 22, Tract 21, Block Group 2, Block Group 3, Block Group 4, Block Group 5, Block Group 1, Block 101, Block 102, Tract 23, Tract 24.

House District 19 shall consist of: In Madison County: Tract 2.01, Tract 2.02, Tract 12, Tract 11, Block Group 3, Tract 13, Block Group 1, Tract 7.02, Tract 7.01, Tract 3.01, Tract 3.02, Tract 4.01, Tract 4.02, Tract 106.

House District 20 shall consist of: In Madison County: Tract 1, Tract 107, Tract 108, Tract 9.01, Tract 9.02, Tract 8, Tract 11, Block Group 1, Block Group 2, Tract 10, Tract 18.01, Tract 18.02, Tract 17, Tract 16, Tract 19.01, Tract 19.02, Tract 20, Block Group 1, Block 101, Block 109.

House District 21 shall consist of: In Madison County: Tract 21, Block Group 1, except, Block 101, Block 102, Tract 20, except Blocks 101-109, Tract 28.01, except Block 901, Tract 25.01, Tract 25.02, Tract 26, Tract 19.03, Tract 29.02, Tract 29.01, Tract 27.02, Tract 27.01.

House District 22 shall consist of: DeKalb County except Fort Payne Division, Fort Payne City, Enumeration District 0438, Henager Division.

House District 23 shall consist of: In DeKalb County: Henager Division (all). In Jackson County, all except Bridgeport Division, Paint Rock Division, Princeton Division, Scottsboro Division, Enumeration District 0197, Stevenson Division.

House District 24 shall consist of: In Calhoun County: Choccolocco Division, Tract 20, Block Group 1, Block Group 9, Piedmont Division, Tract 22, Enumeration District 0280A, Cherokee County (all). In Cleburne County: Fruithurst Division (all), Ranburne Division Enumeration District 0059. In DeKalb County: Fort Payne Division except Enumeration District 0436 and Enumeration District 0437A.

House District 25 shall consist of: In Marshall County: Albertville-Boaz Division (all), Douglas Division except Tract 310, Enumeration District 0824, Grant Division (all), Guntersville Division, Albertville City (all), Tract 307, Enumeration District 0803C, Enumeration District 0803D, Town Creek Division (all).

House District 26 shall consist of: Marshall County, except Albertville-Boaz Division, Douglas Division, Place 507, Tract 310, Enumeration District 0822, Enumeration District 0823A, Grant Division, Gunterville Division, Tract 307, Enumeration District 0803C, Enumeration District 0803D. In Morgan County: Eva Division, Tract 56, Enumeration District 0260, Laceys Spring Division (all), Somerville Division, Tract 54.02, Enumeration District 0258.

House District 27 shall consist of: In Jackson County: Bridgeport Division (all), Paint Rock Division (all), Princeton Division (all), Scottsboro Division, Enumeration District 0197, Stevenson Division (all). In Madison County: Gurley Division, Tract 109, Hazel Green Division, Tract 103, Enumeration District 0529, Enumeration District 0530, New Hope Division, Tract 113, Tract 114, New Market Division, Tract 101, Tract 102.

House District 28 shall consist of: In Etowah County: Gadsden Division, Tract 11, Tract 101, Tract 102, Tract 105, Tract 107, Enumeration District 501, Tract 106, Tract 104, Tract 106, Block 931, Block 329.

House District 29 shall consist of: In Etowah County: Tract 1, Tract 2, Tract 3, Tract 8, Tract 12, Tract 13, Tract 15, Tract 16, Tract 17, Tract 7, Tract 14, Tract 9, Tract 107—exclude Enumeration District 501, Tract 10.

House District 30 shall consist of: In Blount County: Brooksville Division, Tract 504, Enumeration District 0776, Enumeration District 0779, Clarence Division (all), Oneonta Division, Tract 501, Enumeration District 0800, Enumeration District 0801, Enumeration District 0804. In Etowah County: Tract 103, Tract 111, Tract 110, Tract 109, Tract 108, Tract 4, Tract 5, Tract 6—exclude Blocks 931 and 329.

House District 31 shall consist of: In Jefferson County: Tract 111.03, Tract 112.05, Block Group 1, Blocks 111, 112, 130, 135, 150, 152, 153, 154, 156, 157, and 165, Tract 112.06, Tract 113, Tract 117.06, Tract 119.01, Tract 120.02, Block Group 1, Block Group 2, Blocks 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 226, and 227, Block Group 3, Block Group 4, Block Group 6, Block Group 8, Block Group 9, Blocks 949 and 950, Tract 117.05, Tract 117.03, Tract 117.04, Block Group 1, Blocks 104, 105, 106, 108, 109, 111, and 112.

House District 32 shall consist of: In Jefferson County: Tract 111.05, Block Group 1, Block Group 2, excluding Blocks 228-250, 203-205, and 211, Tract 118.01, excluding Block Group 5, Tract 111.04, Tract 118.02, Tract 112.03, Tract 112.04, Tract 112.05, excluding Block Group 1, Blocks 111, 112, 130, 135, 150, 152, 153, 154, 156, 157, and 165.

House District 33 shall consist of: In Jefferson County: Tract 124.02, Block Group 4, excluding Blocks 411, 412, 413, 425, and 426, Block Group 5, Tract 124.03, Tract 123.02, Enumeration District 115, Enumeration District 116, Block Group 5, Block Group 9, Tract 121.04, Tract 115, Tract 116, Tract 120.01, Block Group 7, Tract 117.04, excluding Block Group 1, Blocks 104, 105, 106, 108, 109, 111, and 112, Tract 114, Tract 121.03, Tract 122.

House District 34 shall consist of: In Jefferson County: Tract 1, Tract 20, Tract 21, Tract 53.02, Tract 59.05, Tract 59.03, Tract 59.04, Tract 59.06, Tract 118.01, Block Group 5.

House District 35 shall consist of: In Jefferson County: Tract 47.02, Tract 23.05, Tract 23.06, Tract 108.01, Tract 56, Tract 108.03, Block Group 1, Tract 127.01, Tract 126.02, Tract 110, Block Group 1, Block Group 2, excluding Blocks 208, 210, 212, 226, 227, 228, 229, 230, 233, 234, 235, and 266, Tract 126.01, Tract 111.05, Block Group 2, Blocks 203-205, 211, 213, and 228-250, Block Group 3, Block Group 9, Tract 108.01, Block Group 3, Blocks 318, 319, 320, 322, 329, 330, 332, 333, 334, 335, 336, and 353.

House District 36 shall consist of: In Jefferson County: Tract 109, Tract 119.03, Tract 119.02, Tract 19.01, Tract 18.02, Tract 18.01, Tract 23.03, Tract 23.04, Tract 5, Block Group 3, Blocks 315, 320, 321, Block Group 4, Tract 53.01, Tract 2, Tract 19.02, Tract 24, Tract 3, Tract 22.

House District 37 shall consist of: In Jefferson County: Tract 130.01, Tract 130.02, Tract 57.02, Tract 52.00, Tract 38.03, Tract 38.02, excluding Block Group 6, Blocks 624, 627, 630, and 631; and Block Group 8, Tract 40, excluding Block Group 1, Blocks 104, 106, 120, and 121, Tract 37, Block Group 2, Block Group 3, Tract 39, Block Group 1, Block Group 3.

House District 38 shall consist of: In Jefferson County: Tract 51.01, Tract 51.02, Tract 42.00, Tract 44.00, Tract 41.00, Tract 50.00, Tract 49.00, excluding Block Group 1; Block Group 2, Block Group 3, Block Group 4, Blocks 401, 402, and 403; and Block Group 8, Blocks 818 and 819, Tract 58, Block Group 9, Blocks 908, 909, 910, 911 and 916, Tract 40, Block Group 1, Blocks 104, 106, 120, and 121, Tract 28.01, Tract 28.02, Tract 29, Tract 30.02.

House District 39 shall consist of: In Jefferson County: Tract 137.00, Tract 133.00, Tract 105.00, Tract 136.01, Tract 131.00, Tract 57.01, Tract 132.00, Block Group 1, Block Group 2, Tract 106.02, Tract 106.01, Tract 38.01, Tract 132, Block Group 3, Block Group 4, Tract 36, Block Group 7, Tract 38.02, Block Group 6, Blocks 624, 627, 630, and 631, Block Group 8.

House District 40 shall consist of: In Jefferson County: Tract 36, excluding Block Group 7, Tract 37, Block Group 4, Block Group 6, Tract 34, Tract 106.03, Tract 134, Tract 135, Tract 35, Tract 123.01, excluding Block Group 5, Blocks 513 (outside City portion) and 550; and Block Group 7, Tract 125, Tract 124.02, Block Group 1, Block Group 2, Blocks 216, 221, and 222, Block Group 4, Blocks 411, 412, 413, 425, and 426, Block Group 9.

House District 41 shall consist of: In Jefferson County: Tract 104.02, Tract 141.05, Tract 142.03, excluding Enumeration District 126 and Block Group 1, Blocks 115, 116, 117, 118, 119, 122, 123, 124, 125, 127, 130, and 131, Tract 141.03, Tract 141.02, Tract 140, Tract 138.01, Block Group 7, Tract 100.02, Tract 100.01, Tract 139.02, Tract 123.02, Enumeration District 117, Enumeration District 118, Block Group 1, Block Group 8, Tract 143.01, Block Group 4, Block Group 6, Blocks 601 and 604.

House District 42 shall consist of: In Jefferson County: Tract 141.04, Tract 104.01, Tract 103.02, Tract 102, Tract 138.01, excluding Block Group 7, Tract 101, Tract 138.02, Tract 139.01, Tract 143.01, excluding Block Group 4 and Block Group 6, Blocks 601 and 604, Tract 123.01, Block Group 5, Blocks 513 (outside City portion) and 550, Block Group 7, Tract 136.02, Tract 103.01, Block Group 5, Block Group 6, Block Group 7, Tract 143.02, Block Group 9, Blocks 901, 909, and 910.

House District 43 shall consist of: In Jefferson County: Tract 32, Tract 33, Tract 31, Tract 30.01, Tract 11, Tract 12, Tract 124.01, Tract 39, excluding Block Group 1 and Block Group 3, Tract 37, Block Group 1, Block Group 5, Tract 124.02, Block Group 2, Blocks 204-207, 211, and 223-228, Tract 39, Block Group 1, Block Group 3, Tract 10, excluding Block Group 4, Blocks 411, 412, 413, and 423.

House District 44 shall consist of: In Jefferson County: Tract 14, Tract 15, Tract 16, Tract 47.03, Tract 47.01, Tract 46, Tract 27, Tract 45, Tract 26.02, Tract 26.01, Tract 48, excluding Block Group 2 and Block Group 3, Tract 25, Tract 17, Tract 6, Tract 7, Block Group 2, Blocks 221, 222, 223, and 224, Block Group 3, Tract 49, Block Group 1, Block Group 2, Block 205, Block Group 4, Blocks 401, 402, and 403, Block Group 8, Blocks 818 and 819.

House District 45 shall consist of: In Jefferson County: Tract 8, Tract 55, Tract 4, Tract 10, Block Group 4, Blocks 411, 412, 413, and 423, Tract 9, Tract 120.02, Block Group 2, excluding Blocks 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, and 227, Block Group 5, Block Group 9, excluding Blocks 949, 950, and 951, Tract 7, excluding Block Group 2, Blocks 221, 222, 223, and 224; and Block Group 3, Tract 120.01, Block Group 6, Block Group 9, Tract 54, Tract 5, Block Group 1, Block Group 2, Block Group 3, excluding Blocks 315, 320, 321, Block Group 5, Block Group 6.

House District 46 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Tract 104.01, Tract 105, Tract 109, Tract 110, Tract 111, Tract 112, Tract 113, Tract 114, Tract 115, Tract 116, Tract 120.

House District 47 shall consist of: In Tuscaloosa County, Big Sandy-Duncanville Division, Moundville Town (all), Tract 107, Block Group 1 outside of town groups, Enumeration District 0668, Enumeration District 0669;

Fosters Division, Excluding Tract 103, Enumeration District 0670; Tuscaloosa Division, Tract 117, Tract 118, Tract 119, Tract 124, Tract 125.

House District 48 shall consist of: In Fayette County: Fayette Division, Belk Town (all, Enumeration District 0466, Enumeration District 0467. In Lamar County: Millport Division, Kennedy Town (all), Enumeration District 0015. In Pickens County: Aliceville Division, Enumeration District 0570; Carrollton Division, Carrollton Town (all), Enumeration District 0563; Ethelsville Division (all), Gordo Division (all), Reform Division (all), In Tuscaloosa County: Coker Division (all), Elrod-Moores Bridge-Echola Division (all), Fosters Division, Tract 103, Enumeration District 0670, Tuscaloosa Division, Tract 102.

House District 49 shall consist of: In Jefferson County: Tract 143.02, excluding Block Group 9, Blocks 901, 909, and 910, Tract 107.06, Tract 58, excluding Block Group 9, Blocks 908-911, and 916, Tract 107.01, Tract 107.02, Tract 107.03, Tract 107.04, Tract 107.05, Tract 144.03, Tract 144.01, Block Group 1, excluding Blocks 109, 110, 111, 112, 113, 114, 140, and 141, Tract 129.01, Block Group 2, Tract 49, Block Group 2, Blocks 207, 208, 209, 210, 232, 235, and 236, Block Group 3, Tract 48, Block Group 2, Block Group 3, Tract 108.01, Block Group 3, Blocks 318, 319, 320, 322, 329, 330, 332, 333, 334, 335, 336, and 353, Tract 108.02, Block Group 4, Blocks 402, 409, 410, 418, 419, 426, 427, 428, 429, 431, 462, and 463.

House District 50 shall consist of: In Jefferson County: Tract 129.02, Block Group 1, Block Group 2, Tract 129.03, Tract 128.01, Tract 108.03, Block Group 5, Tract 108.02, excluding Block Group 4, Blocks 402, 409, 410, 418, 419, 426, 427, 428, 429, 431, 462, and 463, Tract 108.04, Tract 108.05, Tract 128.02, Tract 127.02, Tract 110, Block Group 2, Blocks 208, 210, 212, 226-230, 233-235, 238-245, 251, and 252, Block Group 3, Block Group 4, Block Group 5.

House District 51 shall consist of: In Jefferson County: Tract 144.01, Block Group 1, Blocks 109-114, 140, Block Group 2, Block Group 3, Tract 129.01, Block Group 3, Tract 144.02, Tract 129.04, Tract 129.02, Block Group 4.

House District 52 shall consist of: In Talladega County: Lincoln-Eastaboga Division (all), Munford Division (all), Renfroe-Lanier Division, Tract 112, Enumeration District 0668, Talladega Division (all).

House District 53 shall consist of: In Chilton County: Clanton Division, except Tract 601, Enumeration District 0515U and Enumeration District 0516, Mineral Springs Division (all), Verbena Division, Tract 607, Enumeration District 0519. In Clay County (all), In Coosa County (all).

House District 54 shall consist of: In Talladega County: Childersburg Division (all), Renfroe-Lanier Division, except Tract 112, Enumeration District 0668, Sycamore-Winterboro Division (all), Sylacauga Division (all).

House District 55 shall consist of: In St. Clair County, except Moody Division, Tract 401, Enumeration District 0891, Pell City Division, Tract 402, Enumeration District 0881, Enumeration District 0882, Enumeration District 0885, Enumeration District 0886.

House District 56 shall consist of: In St. Clair County: Moody Division, Tract 401, Enumeration District 0891, Pell City Division, Tract 402, Enumeration District 0881, Enumeration District 0882, Enumeration District 0885, Enumeration District 0886. In Shelby County, except Alabaster-Helena Division.

House District 57 shall consist of: In Jefferson County: Tract 142.02 outside of town groups, Tract 142.03, Enumeration District 126, Block Group 1, Blocks 115, 116, 117, 118, 119, 122, 123, 124, 125, 127, 130, and 131, Tract 142.04, excluding Block Group 1, Blocks 101, 102, 103, 105, 106, 107, and 109; and Block Group 9, Blocks 925 and 949. In Shelby County: Alabaster-Helena Division (all).

House District 58 shall consist of: In Calhoun County: Tract 13, Tract 14, Block Group 3, Block 302, Block 304-311, Block 314, Tract 15, Tract 16, Tract 17, Tract 21, Tract 23, Tract 26, Tract 25, Tract 18-exclude the remainder of Anniston Division, Block Group 2, Block 201, Block 202, Block 206, Block 207, Block Group 1, Tract 24, Blocks Group 1, Blocks 114-123, Blocks 101-108, Tract 1, Block Group 1.

House District 59 shall consist of: In Calhoun County: Tract 1, Exclude Block Group 1, Tract 3, Tract 4, Tract 5, Tract 6, Tract 7, Tract 8, Tract 12, Tract 19, Block 902, Tract 14, Exclude Block Group 3, Block 302, Block 304-311, Block 314.

House District 60 shall consist of: In Calhoun County: Anniston Division, Tract 18, Block Group 1, Block Group 2, Blocks 201-202, Block 206, Block 207, Tract 19, Block 901, Tract 2, Tract 9, Tract 10-except Rem of Anniston Division, Tract 11, Piedmont Division, Except Tract 22, Excluding Enumeration District 0280A; Jacksonville Division, Tract 24, exclude Block Group 1, Exclude Blocks 114-123, 101-108.

House District 61 shall consist of: In Calhoun County: Anniston Division, Tract 10 outside of town groups; Choccolocco Division, Tract 20, Block Group 2 outside of town groups, Block Group 3 outside of town groups, Enumeration District 0298, Enumeration District 0299, Enumeration District 0300, Enumeration District 0301, Enumeration District 0302, Enumeration District 0303. In Chambers County: Five Points Division (all); Milltown Division (all). In Cleburne County, except Fruithurst Division and Ranburne Division, Enumeration District 0059. In Randolph County: (all).

House District 62 shall consist of: In Tallapoosa County, all except Camp Hill Division, Enumeration District 0187; and Dadeville Division, Enumeration District 0183D.

House District 63 shall consist of: In Chambers County, except Five Points Division and Milltown Division. In Tallapoosa County, Camp Hill Division, Enumeration District 0187, Dadeville Division, Enumeration District 0183D.

House District 64 shall consist of: In Lee County, Auburn-Opelika Division, Auburn City (all), Tract 404 outside of town groupings, Tract 405 outside of town groupings, Tract 406 outside of town groupings, Tract 409 outside of town groupings, Beauregard-Marvyn Division, except Tract 421, Enumeration District 0536, Loachapoke-Roxana Division (all).

House District 65 shall consist of: In Lee County: Auburn-Opelika Division, Opelika City (all), Tract 411 outside of Opelika City, Tract 412 outside of Opelika City, Tract 417 outside of Opelika City; Beulah Division (all), Smiths-Salem Division (all).

House District 66 shall consist of: In Lee County: Beauregard-Marvyn Division, Tract 421, Enumeration Division 0536. In Russell County (all), except Tract 309.02, Cottonton-Seale Division, except Hurtsboro Division, Except Phenix Division, Tract 308, Block Group 1, Block Group 6.

House District 67 shall consist of: In Bullock County (all). In Macon County (all).

House District 68 shall consist of: In Pike County: Banks-Josie Division (all), Brundidge Division (all), Troy Division (all). In Coffee County: Tract 101, Tract 102. In Dale County: Tract 201, Tract 209p, Enumeration District 667, Tract 202, Enumeration District 650, Enumeration District 651, Tract 203, Enumeration District 662.

House District 69 shall consist of: In Crenshaw County (all). In Montgomery County: Hope Hull Division, outside of Montgomery City (all), Montgomery Division, Tract 54.01 outside of Montgomery City, Tract 60.01 outside of Montgomery City, except Block Group 9 outside of Montgomery City, Mount Meigs Division (all), Pike Road Division, outside of Montgomery City, Pine Level Division (all), Ramer Division (all). In Pike County, excluding Banks-Josie Division, Brundidge Division, Troy Division.

House District 70 shall consist of: In Houston County: Tract 406, Tract 413, Tract 414, Tract 415, Tract 416, Tract 417, Tract 418, Tract 404, Block Group 3. Henry County (all).

House District 71 shall consist of: In Houston County: Dothan Division, Tract 402, except Block Groups 1, 2, and 9, Blocks 301-305, Tract 403, Tract 404, Block Groups 1 and 2, Tract 405, Tract 407, Tract 408, Tract 411, Tract 409, Tract 410, Tract 412, Tract 421P. Taylor Town (pt).

House District 72 shall consist of: Barbour County (all). In Russell County: Cottonton-Seale Division (all), Phenix City Division, Tract 308, Block Group 1, Block Group 6, Tract 309.02, Hurtsboro Division (all).

House District 73 shall consist of: In Houston County: Tract 419, Tract 420, Tract 421—except Taylor Town. In Geneva County (all).

House District 74 shall consist of: In Coffee County, all except Tracts 101, 102. In Dale County: Tract 212, Tract 211-P in Enterprise City.

House District 75 shall consist of: In Dale County, excluding Tract 201, Tract 202, Enumeration District 650, Enumeration District 651, Tract 209, Enumeration District 667, Tract 203, Enumeration District 662, Tract 212, Tract 211-P in Enterprise City. Including Houston County, Tract 401, Tract 402-P, Block Group 1, Block Group 2, Block Group 9, Block Group 3, Blocks 301-305.

House District 76 shall consist of: In Montgomery: Montgomery Division, Tract 3, Rem Montgomery Division, Block Group 1, Block Group 2, Block Group 9, Montgomery City, Tract 3, Block Group 1, Block Group 6, Tract 4, Except Block Group 7 and 8, Tract 5, Tract 9, Tract 15, Block Group 1, Blocks 111-113, Blocks 118-122, Block Group 2 (all), Block Group 3, Blocks 301-308, Tract 16, Tract 18, Tract 25, Tract 51.01, Montgomery Division Rem., Tract 51.02, Tract 51.03, Tract 53.01, Montgomery City, Tract 60.01, Tract 53.02. In Elmore County, Elmore Division, Tract 104, Enumeration District 0972, Enumeration District 0974, Enumeration District 0975, Enumeration District 0979, Enumeration District 0981.

House District 77 shall consist of: In Montgomery County, Tract 1, Tract 2, Tract 3, except, Block Groups 1, 2 and 9, Montgomery Remainder, and Block Groups 1 and 6 in Montgomery City, Tract 4, Block Group 6, Block Group 7, Block Group 8, Tract 6, Tract 7, Tract 11, Except Block Group 1, Tract 12, Tract 13, Block Group 4, Tract 14, Block Group 1, Blocks 103-106, Block Group 4, Blocks 413-418, Block Group 5, Blocks 501-507, Tract 15,

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Block Group 1, Excluding Blocks 111-113, 118-122, Block Group 3, Excluding Blocks 301-308, Block Group 4, Block Group 5, Tract 51.02.

House District 78 shall consist of: In Montgomery County, Hope Hull Division, Tract 59.01 in Montgomery City, Tract 59.02; Montgomery Division, Tract 11, Block Group 1, Tract 10, Tract 13, Block Group 3, Tract 22, Tract 23, Tract 24, Tract 30, Tract 60.02.

House District 79 shall consist of: In Montgomery County, Tract 17, Tract 19, Tract 26, Tract 27, Tract 33 Except Block Group 9, Blocks 913-914 and 921, Tract 54.01 in City of Montgomery, Tract 54.02, Tract 54.03, Tract 54.04, Tract 54.05, Tract 56.02.

House District 80 shall consist of: In Montgomery County, Tract 13, Block Group 1, Block Group 2, Tract 14, Excluding Block Group 1, Blocks 103-106, Block Group 4, Blocks 413-418, Block Group 5, Blocks 501-507, Tract 20, Tract 21, Tract 33, Block Group 9, Block 913, Block 914, Block 921, Tract 28, Tract 29, Tract 31, Tract 32, Tract 56.03. In Pike Road Division, Montgomery City, Tract 56.01.

House District 81 shall consist of: Elmore County, except Tract 104, Enumeration District 972, Enumeration District 974, Enumeration District 975, Enumeration District 979, Enumeration District 981.

House District 82 shall consist of: In Autauga County (all). In Chilton County, Clanton Division, Tract 601, Enumeration District 0515U, Enumeration District 0516; Verbena Division, Tract 607, Enumeration District 0520, Enumeration District 0521.

House District 83 shall consist of: Bibb County (all). In Chilton County: Isabella-Pletcher Division (all), Jemison Division (all), Maplesville Division (all). In Tuscaloosa County: Abernant Division (all), Big Sandy-Duncanville Division, Tract 107, Enumeration District 0674T, Enumeration District 0674U, Coaling-Vance Division except Tract 107, Enumeration District 0666T.

House District 84 shall consist of: In Dallas County: Selma Division (all).

House District 85 shall consist of: In Dallas County: Craig-Tyler Division (all), Sardis Division, Enumeration District 0061, Enumeration District 0062. In Lowndes County (all). In Wilcox County (all).

House District 86 shall consist of: In Dallas County except Craig-Tyler Division, Sardis Division, Enumeration District 0061, Enumeration District 0062, and Selma Division. In Hale County except Stewart-Akron Division. In Perry County (all).

House District 87 shall consist of: Greene County (all). In Hale County: Stewart-Akron Division (all). In Pickens County: Aliceville Division except Enumeration District 0570, Carrollton Division, Pickensville Town (all), Enumeration District 0564, Raleigh Division (all). All of Sumter County.

House District 88 shall consist of: In Choctaw County: Gilbertown-Toxey Division except Enumeration District 0338T, and Enumeration District 0338U, Silas Division (all). In Clark County: Coffeeville Division (all), Fulton Division (all), Grove Hill Division except Enumeration District 0066, Thomasville Division (all). In Washington County: (all).

House District 89 shall consist of: In Choctaw County: Butler Division (all), Gilbertown-Toxey Division, Enumeration District 0338T, Enumeration District 0338U, Lisman Division (all). In Marengo County (all).

House District 90 shall consist of: In Clarke County: Grove Hill Division, Enumeration District 0066, Jackson Northwest Division (all), Jackson Southeast Division (all). In Conecuh County: Repton Division (all). In Monroe County (all).

House District 91 shall consist of: In Escambia County except Brewton Division, Enumeration District 0236.

House District 92 shall consist of: In Butler County (all). In Conecuh County except Repton Division. In Escambia County: Brewton Division, Enumeration District 0236.

House District 93 shall consist of: Escambia County.

House District 94 shall consist of: In Baldwin County: Elberta Division, Fairhope Division, Foley Division, Robertsedale Division, Robertsedale City (all), Tract 109, Enumeration District 0410, Summerdale Division.

House District 95 shall consist of: In Baldwin County: Bay Minette Division, except Tract 103, Enumeration District 0392, Enumeration District 0396, Enumeration District 0398, Enumeration District 0399, Tract 104, Enumeration District 0391, Tract 105, Enumeration District 0395, Tract 106, Enumeration District 0397, Daphne Division, Robertsedale Division, except Tract 109, Enumeration District 0404T, Enumeration District 0404U, Enumeration District 0410, Stockton Division.

House District 96 shall consist of: In Baldwin County: Bay Minette Division, Tract 103, Enumeration District 0392, Enumeration District 0396, Enumeration District 0398, Enumeration District 0399, Tract 104, Enumeration District 0391, Tract 105, Enumeration District 0395, Tract 106, Enumeration District 0397. In Mobile County: Mobile Division, Tract 38.02, Tract 38.99, Tract 47, except Block Groups 2 and 3 in Prichard City, Tract 48, except Block Groups 3 and 4 in Prichard City, Tract 50, except that portion of Tract 50 in Prichard City, Tract 51, Tract 52, Tract 53, Tract 54, Tract 55, Tract 56, Tract 57, Tract 61, Saraland City, Block Group 1, Mobile Division Remainder, Block Group 8, Block 822, Block 824, Block 825, Saraland City, Block Group 9, Blocks 913-917, Mobile Division Remainder Block Group 9, Block 913, Block 918, Block 905, Block 906, Block 901, Block 972, Block 919, Block Group 2, Block 227, Mobile Division, Prichard City, Block Group 2A, Blocks 203, 204, 205, 206, 208, 209, 210, 211, 214, 218-221, 223-226, Mount Vernon Division, Tract 58, Enumeration District 0529.

House District 97 shall consist of: In Mobile County: Citronelle Division, Mobile Division, Tract 34.03, Block Group 1 in Mobile City, Block Group 5 in Mobile City, Block Group 9 in Mobile City, Tract 34.03 outside of Mobile City, Tract 61 except Block Group 2 in Mobile City, and Block group 2 outside of Mobile City, Saraland City, Block Group 1, Mobile Division Remainder, Block Group 8, Blocks 822, 824, 825; Saraland City, Block Group 9, Blocks 913-917, Mobile Division Remainder, Block Group 9, Blocks 913, 918, 905, 906, 901, 972, 919; Mobile Division, Block Group 2, Block 227; Prichard City, Block Group 2A, Blocks 203, 204, 205, 207, 208, 214, 218-221, 223-226, Mount Vernon Division, Tract 58, Enumeration District 526, Enumeration District 528, Enumeration District 0525, Enumeration District 0527, Semmes Division, Tract 62, Tract 63.

House District 98 shall consist of: In Mobile County: Mobile Division, Tract 38.01, Tract 39.01, Tract 39.02, Tract 40, Tract 41, Tract 42, Tract 44, Tract 45, Tract 46, Tract 47, Block Group 2 of Prichard City, Block Group 3 of

Prichard City, Tract 48, Block Group 3 of Prichard City, Block Group 4 of Prichard City, Tract 49, Tract 50 in Prichard City.

House District 99 shall consist of: In Mobile County: Mobile Division, Tract 3, Block Group 4 in Mobile City, Tract 4.01, Tract 4.02, Tract 5, Tract 6, Tract 7.01, Tract 7.02, Tract 8, Tract 9.01, Block Group 1 in Mobile City, Tract 12.01, Tract 26, Tract 27, Block Group 1 in Mobile City, Block Group 5 in Mobile City.

House District 100 shall consist of: In Mobile County: Mobile Division, Tract 27, Block Group 4 in Mobile City, Tract 28, Block Group 5 in Mobile City, Tract 29, Tract 30, Tract 31, Tract 32.01, Tract 32.02, Tract 33.01, Tract 33.02, Block Group 2 in Mobile City, Block Group 3 in Mobile City, Block Group 4 in Mobile City, Tract 37.01, Block Group 1 in Mobile City, Tract 37.02, except in Block Group 3 in Mobile City.

House District 101 shall consist of: In Mobile County: Mobile Division, Tract 32.03, Tract 33.02, Block Group 1 in Mobile City, Block Group 5 in Mobile City, Tract 34.01, Tract 34.02, Tract 34.03 in Mobile City except Block Group 1 in Mobile City, and Block Group 5 in Mobile City, and Block Group 9 in Mobile City, Tract 34.04, Tract 34.05, Tract 34.06, Tract 35.01, Tract 35.02, Tract 36.01, Tract 36.02, Tract 36.03, Tract 61, Block Group 2 in Mobile City, Block Group 2 outside of Mobile City.

House District 102 shall consist of: In Mobile County: Mobile Division, Tract 37.01, Block Group 2 in Mobile City, Block Group 5 in Mobile City, Tract 37.02, Block Group 3 in Mobile City, Tract 68; Tanner-Williams Division, Tract 64; Theodore Division, Tract 69.

House District 103 shall consist of: In Mobile County: Mobile Division, Tract 1, Tract 2, Tract 3, except Block Group 4 of Mobile City, Tract 9.03, Tract 10.01, Tract 10.02, Tract 11, Tract 12.02, Tract 12.99, Tract 13.01, Tract 13.02, Tract 14, Tract 15.01, Tract 15.02, Tract 16, Tract 17, Block Group 2 of Mobile City, Tract 18, Block Group 1 of Mobile City, Tract 23.01, Block Group 1 of Mobile City, Block Group 2 of Mobile City, Tract 23.02, Tract 24, Block Group 1 of Mobile City, Block Group 2 of Mobile City, Block Group 3 of Mobile City.

House District 104 shall consist of: In Mobile County: Mobile Division, Tract 9.01, except Block Group 1 in Mobile City, Tract 9.02, Tract 17, except Block Group 2 in Mobile City, Tract 18, except Block Group 1 in Mobile City, Tract 19.01, Tract 19.02, Tract 20, Tract 21, Tract 22, Tract 23.01, Block Group 3 in Mobile City, Tract 24, except Block Group 1 in Mobile City, and Block Group 2 in Mobile City, and Block Group 3 in Mobile City, Tract 25.01, Tract 25.02, Tract 27, Block Group 2 in Mobile City, Block Group 3 in Mobile City, Tract 28 except Block Group 5 in Mobile City.

House District 105 shall consist of: In Mobile County: Bayou LaBatre Division, Tract 72.01, Tract 72.02, Tract 72.99, Tract 73; Grand Bay Division, Tract 65, Tract 66, Tract 67; Theodore Division, Tract 70, Tract 71.

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

District 1 House District Nos. 1, 2 and 3;

District 2 House District Nos. 4, 5 and 6;
District 3 House District Nos. 7, 8 and 9;
District 4 House District Nos. 10, 11 and 12;
District 5 House District Nos. 13, 14 and 15;
District 6 House District Nos. 16, 17 and 18;
District 7 House District Nos. 19, 20 and 21;
District 8 House District Nos. 22, 23 and 24;
District 9 House District Nos. 25, 26 and 27;
District 10 House District Nos. 28, 29 and 30;
District 11 House District Nos. 31, 32 and 33;
District 12 House District Nos. 34, 35 and 36;
District 13 House District Nos. 37, 38 and 39;
District 14 House District Nos. 40, 41 and 42;
District 15 House District Nos. 43, 44 and 45;
District 16 House District Nos. 46, 47 and 48;
District 17 House District Nos. 49, 50 and 51;
District 18 House District Nos. 52, 53 and 54;
District 19 House District Nos. 55, 56 and 57;
District 20 House District Nos. 58, 59 and 60;
District 21 House District Nos. 61, 62 and 63;
District 22 House District Nos. 64, 65 and 66;
District 23 House District Nos. 68, 69 and 75;
District 24 House District Nos. 67, 70 and 72;
District 25 House District Nos. 71, 73 and 74;
District 26 House District Nos. 76, 77 and 78;
District 27 House District Nos. 79, 80 and 81;
District 28 House District Nos. 82, 83 and 84;
District 29 House District Nos. 85, 86 and 87;
District 30 House District Nos. 88, 89 and 90;
District 31 House District Nos. 91, 92 and 93;
District 32 House District Nos. 94, 95 and 96;
District 33 House District Nos. 97, 98 and 99;
District 34 House District Nos. 100, 101 and 102;
District 35 House District Nos. 103, 104 and 105.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1982, and until each house of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

Mr. Figures then offered the following amendment to his substitute for the Bill, S. B. 60, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 60

Amend Figures substitute for Senate Bill 60 page 63 by striking out the language beginning on line 22 and continuing through 23 and adding in lieu thereof the following language:

Tract 3, Block Group 3 and on page 65 strike line 33 in its entirety and add in lieu thereof the following: Tract 3, Block Group 4 and renumber the remaining all portions remaining on said pages.

On motion of Mr. Proctor, said amendment was laid on the table.

And on motion of Mr. Proctor, said Figures substitute for the Bill, S. B. 60, was laid on the table.

Yeas 20; Nays 4.

Yeas:

Messrs.:	Holmes	Miller	Smith
Denton	Kirkland	Mitchem	Teague (B)
Goodwin	Lemaster	Parsons	Teague (J)
Gulledge	Little	Proctor	Weeks
Harrison	Martin	Robertson	White
Higginbotham			

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Nays: Messrs. Figures, Hall, Hilliard and Pearson.

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Mr. Hilliard offered the following substitute for the Bill, S. B. 60, to-wit:

SUBSTITUTE FOR S. B. 60

A BILL
TO BE ENTITLED
AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

House District 1 shall consist of: In Lauderdale County: Florence City (all).

House District 2 shall consist of: In Lauderdale County: Cloverdale Division, Remainder of Florence Division, Killen Division, Lexington Division, Oakland Division, Waterloo Division.

House District 3 shall consist of: In Lauderdale county: Rogersville Division. In Limestone County: Salem Division, Athens Division, Tract 202 (all), Tract 204 (all), Tract 205 (all), Tract 206 (all), Tract 207 (all), Tract 209 (all), Tract 210, Tract 211, Block Groups 1 and 2.

House District 4 shall consist of: In Morgan County: Decatur City, Tract 1, Tract 2, Tract 3, Tract 4, except Block Group 1, Tract 54.01, Tract 54.02, excluding Enumeration District 257, Enumeration District 258. In Limestone County: Tract 201 (all), Tract 208, Tract 211, Enumeration District 691, Enumeration District 692, Tract 212 (all).

House District 5 shall consist of: In Morgan County, Tract 5, Tract 6, Tract 7, Tract 8, Tract 9, Tract 10, Tract 51, Tract 4, Block Group 1.

House District 6 shall consist of: In Morgan County: Hartselle Division (all), Falkville Division (all), Lacey Springs Division (all), Eva Division (all), Danville Division (all), Remainder of Sommerville Division, Enumeration District 257, Enumeration District 258.

House District 7 shall consist of: In Lawrence County (all). In Colbert County: Leighton Division.

House District 8 shall consist of: In Franklin County (all). In Colbert County: Littleville Division.

House District 9 shall consist of: Colbert County (all), excluding Leighton Division, Littleville Division.

House District 10 shall consist of: In Winston County: Addison Division, Haleyville Division, Enumeration District 0611, Double Springs Division, Lynn Division. In Cullman County: Jones Chapel Division, Bremer Division, Grant Hill Division, Hanceville Division, Vinemont Division.

House District 11 shall consist of: Marion County. In Winston County: Haleyville Division, excluding Enumeration District 0611.

House District 12 shall consist of: Fayette County. Lamar County.

House District 13 shall consist of: In Walker County: Dora Division, Empire Division, Jasper Division, Sipsey Division.

House District 14 shall consist of: In Walker County: Carbon Hill Division, Cordova Division, Flat Creek-Wegra Division, Manchester Division, Nauvoo Division, Oakman Division, Parrish Division, Townley Division. In Tuscaloosa County: Remainder of Tuscaloosa Division, Windham Springs Division.

House District 15 shall consist of: Pickens County. In Tuscaloosa County: Cohen Division, Elrod-Moore's Bridge, Echola Division, Samantha Division, Tract 104.01, Block Groups 3, 4 and 5.

House District 16 shall consist of: In Cullman County: Holly Pond Division, Logan Division, Cullman Division, Simcoe Division, Baileyton-Joppa Division, Welti Division.

House District 17 shall consist of: Blount County.

House District 18 shall consist of: In Marshall County: Albertville-Boaz Division, Arab Division.

House District 19 shall consist of: In Madison County: Huntsville Division, Tract 5.01, Tract 5.02, Tract 5.03, Tract 6.01, Tract 6.02, Tract 13, Tract 15, Tract 14, Tract 7.01, Block Group 2, Tract 106, Block Group 1, except Blocks 102-105, 149, 150, Block Group 2, except Blocks 202-209, Tract 22, Block Group 1, Block 106, Block Group 2; Madison Division.

House District 20 shall consist of: In Madison County: Huntsville Division, Tract 2.01, Tract 2.02, Tract 3.01, Tract 3.02, Tract 4.01, Tract 4.02, Tract 7.01, Tract 7.02, Tract 12, Tract 16, excluding Block Group 1, Tract 21, Block Group 1, Tract 106, Block Group 1, Blocks 102-105, 149 and 150, Block Group 2, Blocks 202-209, Block Group 9.

House District 21 shall consist of: In Madison County: Arsenal Division; Triana Blackwall Division; Huntsville Division, Tract 21, Block Group 5, except Blocks 522 and 523, Tract 23, Tract 24, Tract 25.01, Tract 25.02, Tract 28.01, Tract 28.02, Tract 20, Block Groups 2 and 3, Block Group 1, Blocks 113-117, Tract 19.01, Block Group 1, except Block 106.

House District 22 shall consist of: In Madison County: Huntsville Division, Tract 1, Tract 8, Tract 9.01, Tract 9.02, Tract 10, Tract 11, Tract 17, Tract 18.01, Tract 18.02, Tract 108, Tract 107, Tract 105, Tract 16, Block Group 1.

House District 23 shall consist of: In Madison County: Huntsville Division, Tract 19.01, excluding Block Group 1, Tract 19.02, Tract 19.03, Tract 26, Tract 27.01, Tract 27.02, except Block Group 9, Tract 29.01, Tract 29.02, Tract 20, Block Group 1, except Blocks 113-117; New Hope Division.

House District 24 shall consist of: In Madison County: Gurley Division, New Market Division, Hazel Green Division, Madison Crossroad Division, Tract 27.02, Block Group 9. In Jackson County: Paint Rock Division, Bridgeport Division, Princeton Division, Stevenson Division.

House District 25 shall consist of: In Jackson County: Pisgah Division, Long Island Division, Section Division, Scottsboro Division.

House District 26 shall consist of: In DeKalb County: Remainder of Collinsville Division, Enumeration District 435, Fort Payne Division, Fyffe Division, Enumeration District 424-A, Henagar Division, Ider Division, Rainsville Division, Valley Head Division.

House District 27 shall consist of: In Marshall County: Douglas Division, Grant Division, Guntersville Division, Town Creek Division, Union Grove Division. In DeKalb County: Fyffe Division, excluding Enumeration District 424-A, Geraldine Division.

House District 28 shall consist of: In Etowah County: Gadsden Division, Tract 7, Tract 2, Tract 3, Tract 4, Tract 5, Tract 6, Tract 8, Tract 9, Tract 10, Tract 11, Tract 12.

House District 29 shall consist of: In Etowah County: Gadsden Division, Tract 1, Tract 13, Tract 14, Tract 15, Tract 16, Tract 101, Tract 104, Tract 105, Tract 102.

House District 30 shall consist of: In Etowah County: Altoona Division, Gadsden Division, Tract 17, Tract 103, Mountainboro Division, Hokes Bluff Division, Lookout Mountain Division, Turkeytown Division, Wills Valley Division. In St. Clair County: Remainder of Ashville Division, Enumeration District 0404.

House District 31 shall consist of: St. Clair County, except Remainder of Ashville Division, Tract 404.

House District 32 shall consist of: In Talladega County: Lincoln-Eastaboga Division, Munford Division, Renfroe-Lanier Division, Tract 112, Enumeration District 0668, Talladega Division.

House District 33 shall consist of: In Talladega County: Childersburg Division, Renfroe-Lanier Division, excluding Tract 112, Enumeration District 0688, Sycamore-Winterboro Division, Sylacauga Division.

House District 34 shall consist of: In Calhoun County: Anniston Division, Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, Tract 6, Tract 7, Tract 8, Tract 9, Tract 10, Tract 11, Tract 19, Block Group 7.

House District 35 shall consist of: In Calhoun County: Anniston Division, Tract 18, except Block Group 5, Block 501, Block Group 6, except Blocks 601-606, Tract 19, Jacksonville Division, Piedmont Division. Webster Chapel-Alexandria Valley Division.

House District 36 shall consist of: In Calhoun County: Anniston Division, Tract 12, Tract 13, Tract 14, Tract 15, Tract 16, Tract 17, Ohatchee Division, Choccolocco Division, Tract 18, Block Group 5, Block 501, Block Group 6, Blocks 601-606.

House District 37 shall consist of: Randolph County, Clay County, In Chambers County: Five Points Division.

House District 38 shall consist of: Chambers County, excluding Five Points Division.

House District 39 shall consist of: Cherokee County, Cleburne County. In DeKalb County: Collinsville Division, excluding Enumeration District 435, Crossville Division.

House District 40 shall consist of: In Shelby County: Alabaster-Helena Division; Montevallo Division, Tract 304.01, Enumeration District 0019, Tract 304.02, Enumeration District 0021.

House District 41 shall consist of: In Shelby County: Chelsea Division, Calera Division, Columbiana Division, Montevallo Division, excluding Tract 304.01, Enumeration District 0019, Tract 304.02, Enumeration District 0021, Vincent Division, Wilsonville Division. In Chilton County: Verbena Division. In Coosa County: Weogufka-Marble Valley Division, Enumeration District 79T, Enumeration District 79U.

House District 42 shall consist of: Elmore County, excluding Elmore Division, Wetumpka Division, Tract 105, Enumeration District 966, Enumeration District 965U, Enumeration District 965T, Tallassee Division, Tract 107, Enumeration District 958. In Coosa County: Goodwater-Kellyton Division, Rockford Division, Weogufka-Marble Valley Division, Enumeration District 80.

House District 43 shall consist of: In Jefferson County: Tract 111.03, Tract 112.05, Block Group 1, Blocks 111, 112, 130, 135, 150, 152, 153, 154, 156, 157, and 165, Tract 112.06, Tract 113, Tract 117.06, Tract 119.01, Tract 120.02, Block Group 1, Block Group 2, Blocks 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 225, 226, and 227, Block Group 3, Block Group 4, Block Group 6, Block Group 8, Block Group 9, Blocks 949 and 950, Tract 117.05, Tract 117.03, Tract 117.04, Block Group 1, Blocks 104, 105, 106, 108, 109, 111, and 112.

House District 44 shall consist of: In Jefferson County: Tract 111.05, Block Group 1, Block Group 2, excluding Blocks 228-250, 203-205, and 211, Tract 118.01, excluding Block Group 5, Tract 111.04, Tract 118.02, Tract

112.03, Tract 112.04, Tract 112.05, excluding Block Group 1, Blocks 111, 112, 130, 135, 150, 152, 153, 154, 156, 157, and 165.

House District 45 shall consist of: In Jefferson County: Tract 124.02, Block Group 4, excluding Blocks 411, 412, 413, 425, and 426, Block Group 5, Tract 124.03, Tract 123.02, Enumeration District 115, 116, Enumeration District 117, 118, Block Group 5, Block Group 9, Tract 121.04, Tract 115, Tract 116, Tract 120.01, Block Group 7, Tract 117.04, excluding Block Group 1, Blocks 104, 105, 106, 108, 109, 111, and 112, Tract 114, Tract 121.03, Tract 122.

House District 46 shall consist of: In Jefferson County: Tract 1, Tract 20, Tract 21, Tract 53.02, Tract 59.05, Tract 59.03, Tract 59.04, Tract 59.06, Tract 118.01, Block Group 5.

House District 47 shall consist of: In Jefferson County: Tract 47.02, Tract 23.05, Tract 23.06, Tract 108.01, Tract 56, Tract 108.03, Block Group 1, Tract 127.01, Tract 126.02, Tract 110, Block Group 1, Block Group 2, excluding Blocks 208, 210, 212, 226, 227, 228, 229, 230, 233, 234, 235, and 266, Tract 126.01, Tract 111.05, Block Group 2, Blocks 203-205, 211, 213, and 228-250, Block Group 3, Block Group 9, Tract 108.01, Block Group 3, Blocks 318, 319, 320, 322, 329, 330, 332, 333, 334, 335, 336 and 353.

House District 48 shall consist of: In Jefferson County: Tract 109, Tract 119.03, Tract 119.02, Tract 19.01, Tract 18.02, Tract 18.01, Tract 23.03, Tract 23.04, Tract 5, Block Group 3, Blocks 315, 320, 321, Block Group 4, Tract 53.01, Tract 2, Tract 19.02, Tract 24, Tract 3, Tract 22.

House District 49 shall consist of: In Jefferson County: Tract 130.01, Tract 130.02, Tract 57.02, Tract 52.00, Tract 38.03, Tract 38.02, excluding Block Group 6, Blocks 624, 627, 630, and 631; and Block Group 8, Tract 40, excluding Block Group 1, Blocks 104, 106, 120, and 121, Tract 37, Block Group 2, Block Group 3, Tract 39, Block Group 1, Block Group 3.

House District 50 shall consist of: In Jefferson County: Tract 51.01, Tract 51.02, Tract 42.00, Tract 44.00, Tract 41.00, Tract 50.00, Tract 49.00, excluding Block Group 1; Block Group 2, Block Group 3; Block Group 4, Blocks 401, 402, and 403; and Block Group 8, Blocks 818 and 819, Tract 58, Block Group 9, Blocks 908, 909, 910, 911, and 916, Tract 40, Block Group 1, Blocks 104, 106, 120, and 121, Tract 28.01, Tract 28.02, Tract 29, Tract 30.02.

House District 51 shall consist of: In Jefferson County: Tract 137.00, Tract 133.00, Tract 105.00, Tract 136.01, Tract 131.00, Tract 57.01, Tract 132.00, Block Group 1, Block Group 2, Tract 106.02, Tract 106.01, Tract 38.01, Tract 132, Block Group 3, Block Group 4, Tract 36, Block Group 7, Tract 38.02, Block Group 6, Blocks 624, 627, 630, and 631. Block Group 8.

House District 52 shall consist of: In Jefferson County: Tract 36, excluding Block Group 7, Tract 37, Block Group 4, Block Group 6, Tract 34, Tract 106.03, Tract 134, Tract 135, Tract 35, Tract 123.01, excluding Block Group 5, Blocks 515 (outside City portion) and 550; and Block Group 7 Tract 125, Tract 124.02, Block Group 1, Block Group 2, Blocks 216, 221, and 222, Block Group 4, Blocks 411, 412, 413, 425, and 426, Block Group 9.

House District 53 shall consist of: In Jefferson County: Tract 104.02, Tract 141.05, Tract 142.03, Tract 141.03, Tract 141.02, Tract 140, Tract 138.01, Block Group 7, Tract 100.02, Tract 100.01, Tract 139.02, Tract 123.02, Block Group 1, Block Group 8, Tract 143.01, Block Group 4, Block Group 6, Blocks 601 and 604, Tract 142.02.

House District 54 shall consist of: In Jefferson County: Tract 141.04, Tract 104.01, Tract 103.02, Tract 102, Tract 138.01, excluding Block Group 7, Tract 101, Tract 138.02, Tract 139.01, Tract 143.01, excluding Block Group 4 and Block Group 6, Blocks 601 and 604, Tract 123.01, Block Group 5, Blocks 513 (outside city portion) and 550, Block Group 7, Tract 136.02, Tract 103.01, Block Group 5, Block Group 6, Block Group 7, Tract 143.02, Block Group 9, Blocks 901, 909, and 910.

House District 55 shall consist of: In Jefferson County: Tract 32, Tract 33, Tract 31, Tract 30.01, Tract 11, Tract 12, Tract 124.01, Tract 39, excluding Block Group 1 and Block Group 3, Tract 37, Block Group 1, Block Group 5, Tract 124.02, Block Group 2, Blocks 204-207, 211, and 223-228, Tract 39, Block Group 1, Block Group 3, Tract 10, excluding Block Group 4, Blocks 411, 412, 413, and 423.

House District 56 shall consist of: In Jefferson County: Tract 14, Tract 15, Tract 16, Tract 47.03, Tract 47.01, Tract 46, Tract 27, Tract 45, Tract 26.02, Tract 26.01, Tract 48, excluding Block Group 2 and Block Group 3, Tract 25, Tract 17, Tract 6, Tract 7, Block Group 2, Blocks 221, 222, 223, and 224, Block Group 3, Tract 49, Block Group 1, Block Group 2, Block 205, Block Group 4, Blocks 401, 402, and 403, Block Group 8, Blocks 818 and 819.

House District 57 shall consist of: In Jefferson County: Tract 8, Tract 55, Tract 4, Tract 10, Block Group 4, Blocks 411, 412, 413, and 423, Tract 9, Tract 120.02, Block Group 2, excluding Blocks 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, and 227, Block Group 5, Block Group 9, excluding Blocks 949, 950, and 951, Tract 7, excluding Block Group 2, Blocks 221, 222, 223, and 224, and Block Group 3, Tract 120.01, Block Group 6, Block Group 9, Tract 54, Tract 5, Block Group 1, Block Group 2, Block Group 3, excluding Blocks 315, 320, 321, Block Group 5, Block Group 6.

House District 58 shall consist of: In Jefferson County: Tract 143.02, excluding Block Group 9, Blocks 901, 909, and 910, Tract 107.06, Tract 58, excluding Block Group 9, Blocks 908-911, and 916, Tract 107.01, Tract 107.02, Tract 107.03, Tract 107.04, Tract 107.05, Tract 144.03, Tract 144.01, Block Group 1, excluding Blocks 109, 110, 111, 112, 113, 114, 140, and 141, Tract 129.01, Block Group 2, Tract 49, Block Group 2, Blocks 207, 208, 209, 210, 232, 235, and 236 Block Group 3, Tract 48, Block Group 2, Block Group 3, Tract 108.01, Block Group 3, Blocks 318, 319, 320, 322, 329, 330, 332, 333, 334, 335, 336, and 353, Tract 108.02, Block Group 4, Blocks 402, 409, 410, 418, 419, 426, 427, 428, 429, 431, 462, and 463, Tract 142.04.

House District 59 shall consist of: In Jefferson County: Tract 129.02, Block Group 1, Block Group 2, Tract 129.03, Tract 128.01, Tract 108.03, Block Group 5, Tract 108.02, excluding Block Group 4 Blocks 402, 409, 410, 418, 419, 426, 427, 428, 429, 431, 462, and 463, Tract 108.04, Tract 108.05, Tract 128.02, Tract 127.02, Tract 110, Block Group 2, Blocks 208, 210, 212, 226-230, 233-235, 238-245, 251, and 252, Block Group 3, Block Group 4, Block Group 5.

House District 60 shall consist of: In Jefferson County: Tract 144.01, Block Group 1, Blocks 109-114, 140, Block Group 2, Block Group 3, Tract 129.01, Block Group 3, Tract 144.02, Tract 129.04, Tract 129.02, Block Group 4.

House District 61 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Tract 102, Block Group 1, Blocks 120 and 121, Tract 104.01, Block Groups 1 and 2, Tract 115, Tract 116, Tract 117, Tract 118, Tract 119, Tract 124.

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House District 62 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Tract 107, Tract 108, Tract 120, Tract 121, Tract 122, Tract 123, Tract 125.

House District 63 shall consist of: In Tuscaloosa County: Tuscaloosa Division, Northport City, Tract 102, excluding Block Group 1, Blocks 120 and 121, Tract 104.02; Remainder of Tuscaloosa Division, Tract 105, Tract 106, Tract 109, Tract 110, Tract 111, Tract 112, Tract 113, Tract 114.

House District 64 shall consist of: Monroe County. Conecuh County.

House District 65 shall consist of: Clarke County, excluding Thomasville Division. Washington County.

House District 66 shall consist of: Marengo County. In Clarke County: Thomasville Division. In Choctaw County: Gilberttown Division; Silas Division.

House District 67 shall consist of: Sumter County. Greene County. In Choctaw County: Butler Division; Lisman Division.

House District 68 shall consist of: Perry County. Hale County. In Dallas County: Carlownville Division; Orrville Division; Safford Division; Sardis Division, except Enumeration District 0061, Enumeration District 0062.

House District 69 shall consist of: Wilcox County. Lowndes County. In Dallas County: Craig Tyler Division; Sardis Division Tract 9999.99, Enumeration District 0061, Enumeration District 0062.

House District 70 shall consist of: In Dallas County: Selma Division.

House District 71 shall consist of: Autauga County. In Chilton County: Isabella Peltcher Division; Maplesville Division.

House District 72 shall consist of: In Chilton County: Clanton Division; Jemison Division; Mineral Springs Division. Bibb County.

House District 73 shall consist of: In Montgomery County: Montgomery City, Tract 13, Block Groups 1 and 2, Tract 14, excluding Block Group 1, Blocks 103-106, Block Group 4, Blocks 413-418, Block Group 5, Blocks 501-507, Tract 15, including Block Group 1, Blocks 111-113 and 118-122, Block Groups 2 and 3, Blocks 301-308, Tract 16, excluding Block Group 1, Tract 20, Tract 21, Tract 22, Block Groups 1 and 2, Tract 28, Tract 33, Tract 54.05, Tract 56.02.

House District 74 shall consist of: In Montgomery County: Montgomery Division, Montgomery City, Tract 5, Tract 16, Block Group 1, Tract 17, Tract 18, Tract 19, Tract 26, Tract 27, Tract 53.01, Tract 53.02, Tract 54.02, Tract 54.03.

House District 75 shall consist of: In Montgomery County: Montgomery Division, Montgomery City, Tract 54.04, Tract 29, Tract 31, Tract 32, Tract 54.01, Remainder of Montgomery; Mount Meigs Division, Tract 55, Tract 56.01, Tract 56.03; Pine Level Division, Tract 57; Ramer Division, Tract 58; Remainder of Hope Hull Division, Tract 59.01.

House District 76 shall consist of: In Montgomery County: Montgomery Division; Remainder of Montgomery Division, Tract 3, Block Groups 1, 2 and 9, Block Group 6, Block 655, Tract 4, Tract 9, Tract 25, Tract 51.01, Tract 51.02, Tract 51.03, Tract 60.01. In Elmore County: Elmore Division; Wetumpka Division, Enumeration District 966, Enumeration District 965U, Enumeration District 965T. Remainder of Tallassee Division, Enumeration District 958.

House District 77 shall consist of: In Montgomery County: Montgomery City, Tract 1, Tract 2, Tract 3, excluding Block Group 1, Block Group 6, Block 655, Tract 4, Block Groups 7 and 8, Tract 6, Tract 7, Tract 11, excluding Block Groups 1 and 7, Tract 12, Tract 13, Block Group 4, Tract 14, including Block Group 1, Blocks 103-106, Block Group 4, Blocks 413-418, Block Group 5, Blocks 501-507, Tract 15, Block Group 1, excluding Blocks 111-113 and 118-122, Blocks Groups 2 and 3, excluding Blocks 301-308; Remainder of Montgomery Division, except Tract 51.02.

House District 78 shall consist of: In Montgomery County: Montgomery City, Tract 10, Tract 11, Block Groups 1 and 7, Tract 13, Block Group 3, Tract 22, excluding Block Groups 1 and 2, Tract 23, Tract 24, Tract 30, Tract 59.01, Tract 59.02, Tract 60.02.

House District 79 shall consist of: In Lee County: Auburn City, excluding Tract 405, Remainder of Auburn-Opelika Division, Tract 404, Tract 406, Tract 409, Lonchapoka-Roxana Division, Beauregard-Marvyn Division.

House District 80 shall consist of: In Lee County: Opelika City, Tract 405, Remainder of Auburn-Opelika Division, Tract 411, Tract 412, Tract 417, Beulah Division, Smith-Salem Division.

House District 81 shall consist of: Tallapoosa County.

House District 82 shall consist of: Macon County. Bullock County.

House District 83 shall consist of: In Russell County: Except Tract 309.02, Enumeration District 376.

House District 84 shall consist of: Barbour County. Russell County, Cottonton-Seale Division, Crawford Division, Hurtsboro Division, Remainder Phenix City Division, Tract 309.02, Enumeration District 376.

House District 85 shall consist of: In Houston County: Tract 412, Tract 406, Tract 413, Tract 414, Tract 415, Tract 416, Tract 417, Tract 418. Henry County.

House District 86 shall consist of: In Houston County: Tract 402, Block Group 4, Tract 403, Tract 404, Tract 405, Tract 407, Tract 408, Tract 409, Tract 410, Tract 411, Tract 419.

House District 87 shall consist of: Geneva County. In Houston County: Cottonwood Division, Madrid Division, Dothan Division, Tract 401, Tract 402, except Block Group 4.

House District 88 shall consist of: Coffee County.

House District 89 shall consist of: Pike County. Dale County, Echo Division, Tract 202, Ozark Division, Tract 201A, Remainder of Ozark Division, Tract 201P, Tract 203P, Tract 204.

House District 90 shall consist of: Dale County, except Echo Division, Tract 202, Ozark Division, Tract 201A, Remainder of Ozark Division, Tract 201P, Tract 203P, Tract 204.

House District 91 shall consist of: Butler County, Crenshaw County.

House District 92 shall consist of: Covington County.

House District 93 shall consist of: Escambia County.

House District 94 shall consist of: In Baldwin County: Elberta Division, Fairhope Division, Foley Division, Robertsedale Division, Robertsedale City (all), Tract 109, Enumeration District 0410, Summerdale Division.

House District 95 shall consist of: In Baldwin County: Bay Minette Division, except Tract 103, Enumeration District 0392, Enumeration District 0396, Enumeration District 0398, Enumeration District 0399, Tract 104, Enumeration District 0391, Tract 105, Enumeration District 0395, Tract 106, Enumeration District 0397; Daphne Division; Robertsedale Division, except Tract 109, Enumeration District 0404T, Enumeration District 0404U, Enumeration District 0410; Stockton Division.

House District 96 shall consist of: In Baldwin County: Bay Minette Division, Tract 103, Enumeration District 0392, Enumeration District 0396, Enumeration District 0398, Enumeration District 0399, Tract 104, Enumeration District 0391, Tract 105, Enumeration District 0395, Tract 106, Enumeration District 0397. In Mobile County: Mobile Division, Tract 38.02, Tract 38.99, Tract 47, except Block Groups 2 and 3 in Prichard City, Tract 48, except Block Groups 3 and 4 in Prichard City, Tract 50, except that portion of Tract 50 in Prichard City, Tract 51, Tract 52, Tract 53, Tract 54, Tract 55, Tract 56, Tract 57, Tract 61, Saraland City, Block Group 1; Mobile Division Remainder, Block Group 8, Block 822, Block 824, Block 825, Saraland City, Block Group 9, Blocks 913-917; Mobile Division Remainder, Block Group 9, Block 913, Block 918, Block 905, Block 906, Block 901, Block 972, Block 919, Block Group 2, Block 227; Mobile Division, Prichard City, Block Group 2A, Blocks 203, 204, 205, 206 208, 209, 210, 211, 214, 218-221, 223-226; Mount Vernon Division, Tract 58, Enumeration District 0529.

House District 97 shall consist of: In Mobile County: Citronelle Division; Mobile Division, Tract 34.03 Block Group 1 in Mobile City, Block Group 5 in Mobile City, Block Group 9 in Mobile City, Tract 34.03 outside of Mobile City, Tract 61 except Block Group 2 in Mobile City, and Block Group 2 outside of Mobile City; Saraland City, Block Group 1; Mobile Division Remainder, Block Group 8, Blocks 822, 824, 825; Saraland City, Block Group 9, Blocks 913-917; Mobile Division Remainder, Block Group 9, Blocks 913, 918, 905, 906, 901, 972, 919; Mobile Division, Block Group 2, Block 227; Prichard City, Block Group 2A, Blocks 203, 204, 205, 207, 208, 214, 218-221, 223-226; Mount Vernon Division, Tract 58, Enumeration District 526, Enumeration District 528, Enumeration District 0525, Enumeration District 0527; Semmes Division, Tract 62, Tract 63.

House District 98 shall consist of: In Mobile County: Mobile Division, Tract 38.01, Tract 39.01, Tract 39.02, Tract 40, Tract 41, Tract 42, Tract 43, Tract 44, Tract 45, Tract 46, Tract 47, Block Group 2 of Prichard City, Block Group 3 of Prichard City, Tract 48, Block Group 3 of Prichard City, Block Group 4 of Prichard City, Tract 49, Block Group 50 in Prichard City.

House District 99 shall consist of: In Mobile County: Mobile Division, Tract 3, Block Group 4 in Mobile City, Tract 4.01, Tract 4.02, Tract 5, Tract 6, Tract 7.01, Tract 7.02, Tract 8, Tract 9.01, Block Group 1 in Mobile City, Tract 12.01, Tract 26, Tract 27, Block Group 1 in Mobile City, Block Group 5 in Mobile City.

House District 100 shall consist of: In Mobile County: Mobile Division, Tract 27, Block Group 4 in Mobile City, Tract 28, Block Group 5 in Mobile City, Tract 29, Tract 30, Tract 31, Tract 32.01, Tract 32.02, Tract 33.01, Tract 33.02, Block Group 2 in Mobile City, Block Group 3 in Mobile City, Block Group 4 in Mobile City, Tract 37.01, Block Group 1 in Mobile City, Tract 37.02, except in Block Group 3 in Mobile City.

House District 101 shall consist of: In Mobile County: Mobile Division, Tract 32.03, Tract 33.02, Block Group 1 in Mobile City, Block Group 5 in Mobile City, Tract 34.01, Tract 34.02, Tract 34.03, in Mobile City except Block Group 1 Mobile City, and Block Group 5 in Mobile City, and Block

Group 9 in Mobile City, Tract 34.04, Tract 34.05, Tract 34.06, Tract 35.01, Tract 35.02, Tract 36.01, Tract 36.02, Tract 36.03, Tract 61, Block Group 2 in Mobile City, Block Group 2 outside of Mobile City.

House District 102 shall consist of: In Mobile County: Mobile Division, Tract 37.01, Block Group 2 in Mobile City, Block Group 5 in Mobile City, Tract 37.02, Block Group 3 in Mobile City, Tract 68; Tanner-Williams Division, Tract 64; Theodore Division, Tract 69.

House District 103 shall consist of: In Mobile County: Mobile Division, Tract 1, Tract 2, Tract 3, except Block Group 4 of Mobile City, Tract 9.03, Tract 10.01, Tract 10.02, Tract 11, Tract 12.02, Tract 12.99, Tract 13.01, Tract 13.02, Tract 14, Tract 15.01, Tract 15.02, Tract 16, Tract 17, Block Group 2 in Mobile City, Tract 18, Block Group 1 of Mobile City, Tract 23.01, Block Group 1 of Mobile City, Block Group 2 of Mobile City, Tract 23.02, Tract 24, Block Group 1 of Mobile City, Block Group 2 of Mobile City, Block Group 3 of Mobile City.

House District 104 shall consist of: In Mobile County: Mobile Division, Tract 9.01, except Block Group 1 in Mobile City, Tract 9.02, Tract 17, except Block Group 2 in Mobile City, Tract 18, except Block Group 1 in Mobile City, Tract 19.01, Tract 19.02, Tract 20, Tract 21, Tract 22, Tract 23.01, Block Group 3 in Mobile City, Tract 24, except Block Group 1 in Mobile City, and Block Group 2 in Mobile City, and Block Group 3 in Mobile City, Tract 25.01, Tract 25.02, Tract 27, Block Group 2 in Mobile City, Block Group 3 in Mobile City, Tract 28 except Block Group 5 in Mobile City.

House District 105 shall consist of: In Mobile County: Bayou LaBatre Division, Tract 72.01, Tract 72.02, Tract 72.99, Tract 73; Grand Bay Division, Tract 65, Tract 66, Tract 67; Theodore Division, Tract 70, Tract 71.

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

- District 1 House District Nos. 1, 2 and 3;
- District 2 House District Nos. 4, 5 and 6;
- District 3 House District Nos. 7, 8 and 9;
- District 4 House District Nos. 10, 11 and 12;
- District 5 House District Nos. 13, 14 and 15;
- District 6 House District Nos. 16, 17 and 18;
- District 7 House District Nos. 19, 20 and 21;
- District 8 House District Nos. 22, 23 and 24;
- District 9 House District Nos. 25, 26 and 27;
- District 10 House District Nos. 28, 29 and 30;
- District 11 House District Nos. 31, 32 and 33;
- District 12 House District Nos. 34, 35 and 36;

District 13 House District Nos. 37, 38 and 39;
District 14 House District Nos. 40, 41 and 42;
District 15 House District Nos. 43, 44 and 45;
District 16 House District Nos. 46, 47 and 48;
District 17 House District Nos. 49, 50 and 51;
District 18 House District Nos. 52, 53 and 54;
District 19 House District Nos. 55, 56 and 57;
District 20 House District Nos. 58, 59 and 60;
District 21 House District Nos. 61, 62 and 63;
District 22 House District Nos. 64, 65 and 66;
District 23 House District Nos. 67, 68 and 69;
District 24 House District Nos. 70, 71 and 72;
District 25 House District Nos. 73, 74 and 75;
District 26 House District Nos. 76, 77 and 78;
District 27 House District Nos. 79, 80 and 81;
District 28 House District Nos. 82, 83 and 84;
District 29 House District Nos. 85, 86 and 87;
District 30 House District Nos. 88, 89 and 90;
District 31 House District Nos. 91, 92 and 93;
District 32 House District Nos. 94, 95 and 96;
District 33 House District Nos. 97, 98 and 99;
District 34 House District Nos. 100, 101 and 102;
District 35 House District Nos. 103, 104 and 105.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1982, and until each house of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

On motion of Mr. Proctor, said substitute was laid on the table.

Mr. Teague (J) offered the following amendment to the Bill, S. B.60, to-wit:

AMENDMENT TO S. B. 60

In the description of House District 15, in St. Clair County, delete the description "Tract 0405: Enumeration District 859 Enumeration District 860 Enumeration District 865" and insert in lieu thereof the following description:

All area included in Beat 4.

Delete the description of House District 56 in its entirety and insert in lieu thereof the following:

House District 56 shall consist of: In St. Clair County: All of St. Clair County except: All area included in Beat 4.

On motion of Mr. Proctor, said amendment was laid on the table.

Mr. Hall offered the following amendment to the Bill, S. B. 60, to-wit:

AMENDMENT TO S. B. 60

In House District 15, in Jefferson County, on line 8, insert the following language: Blocks 136, 138, 121, 122, 123, 124, 114.

In House District 15, in Jefferson County, after line 20, insert the following Language: Tract 0118.02, Block Groups 4, 9, 1.

In House District 34, in Jefferson County, on line 10, insert the following language: , less Block Groups 4, 9, 1.

In House District 34, in Jefferson County, on line 12, insert the following language:

, Blocks 136, 138, 121, 122, 123, 124, 114.

On motion of Mr. Proctor, said amendment was laid on the table.

And said Bill, S. B. 60, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 9.

Yeas:

Messrs.:	Harrison	Little	Robertson
Bailey	Higginbotham	Martin	Smith
Britnell	Holmes	Miller	Teague (B)
deGraffenried	Kirkland	Mitchem	Teague (J)
Denton	Lemaster	Proctor	Vacca
Gulledge			

—20

Nays:

Messrs.:	Hall	Pearson	Weeks
Figures	Hilliard	St. John	White
Goodwin	Parsons		

—9

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 6. CREATING THE COMMITTEE ON THE BOARD OF CORRECTIONS CAPITAL OUTLAY.

Also:

H. J. R. 10. ENCOURAGING THE USE OF ALABAMA LABOR, PRODUCTS AND MATERIALS FOR CONSTRUCTION PROJECTS FINANCED BY BOND ISSUE FUNDS.

On motion of Mr. Harrison, said Resolutions were then concurred in and adopted by the Senate.

MOTION IN WRITING

Mr. Higginbotham offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Having voted with the prevailing side, I move that the Senate reconsider the vote by which the Bill, S. B. 10, as amended, was passed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson (Roy), Smith (C), Holley, Biddle, Cheatwood, Bennett, Gilmer, Daniels, Ford, Whatley, Wyatt, Amari, Seibels, McKee, Hall, Blake, Turner, Carter, Cabaniss, Olive, Laird and Albright:

H. 58. Proposing an amendment to Section 56 of the State Constitution relating to immunity from arrest for members of the legislature for certain offenses, so as to provide that legislative members would not be immune from arrest resulting from the offense of driving a motor vehicle while under the influence of alcohol or controlled substances.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 58. to the Committee on Judiciary.

(The above Bill, H. B. 58, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment.

By Mr. Manley:

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 19. To the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McCorquodale, Biddle, Manley, Turner, Mitchell, Boles, Grouby and Smith (C):

H. 1. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contract.

Also:

By Reps. Coburn and Gafford:

H. 6. To amend and re-enact Act No. 82-465, S. 353, 1982 Regular Session, which extensively amends Sections 40-18-5, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71 and 40-18-81, Code of Alabama 1975, relating to state income tax exemptions, exclusions, deductions for individuals, married persons, corporations and charitable entities, so as to further provide therefor and to make certain provisions conform to federal laws, and so as to correct a technical error.

Also:

By Rep. Sandusky:

H. 9. To provide that educational personnel may use their hospital medical insurance allotment for the purchase of dental insurance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1. To the Committee on Business and Labor Relations

H. B. 6. To the Committee on Finance and Taxation

H. B. 9. To the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 18. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 18. To the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 10. To authorize the Alabama State Docks Department to fund a retirement plan for various employees of the Alabama State Docks Department for which the Department is contractually obligated including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b) (9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and a health insurance plan for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance solely from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

Also:

By Reps. Cates, Albright, Amari, Bedsole, Bennett, Blake, Bowling, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Higginbotham, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby:

H. 43. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Re-

tirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 10 and 43. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Stout:

H. J. R. 18. REQUESTING THE STATE PERSONNEL BOARD TO ESTABLISH POLICIES GIVING PREFERENCE IN STATE EMPLOYMENT TO CITIZENS OF THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 18, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 5:35 P.M., on motion of Mr. Goodwin, the Senate adjourned until Thursday, May 27, 1982, at 4 o'clock P.M.

FOURTH LEGISLATIVE DAY

THURSDAY, MAY 27, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Lawson Bryan, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Hall	Kirkland	Pearson
Callahan	Harrison	Lemaster	Robertson
Cook	Higginbotham	Little	St. John
deGraffenried	Hilliard	Martin	Teague (B)
Denton	Holmes	Miller	Vacca
Figures	Keener	Parsons	Weeks
Goodwin			

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JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Bailey, Britnell, Glass, Gullledge, McDonald, Mitchem, Proctor, Smith, Taylor, Teague (J), and White for today.

REPORT FROM RULES

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 4. URGING ALL LAW ENFORCEMENT OFFICERS AND ALL JUDGES TO RIGIDLY ENFORCE ALABAMA'S LITTER LAW.

Also:

H. J. R. 5. COMMENDING MRS. MARILYN WAGGONER FOR OUTSTANDING LEADERSHIP AS PRESIDENT OF THE LEGISLATIVE WIVES AND HUSBANDS CLUB.

Also:

H. J. R. 12. CONGRATULATING MR. LEONARD D. "RED" TRIONE OF DAPHNE, ALABAMA, AS FIREMAN OF THE YEAR FROM THE BALDWIN COUNTY FIRE CHIEF'S ASSOCIATION.

On motion of Mr. Harrison, said Resolutions were then concurred in and adopted by the Senate.

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 18. REQUESTING THE STATE PERSONNEL BOARD TO ESTABLISH POLICIES GIVING PREFERENCE IN STATE EMPLOYMENT TO CITIZENS OF THE STATE OF ALABAMA.

On motion of Mr. Kirkland, said Resolution was then concurred in and adopted by the Senate.

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 7. HONORING MRS. LULA CORNELIA MORGAN ROBERTS OF QUITMAN, MISSISSIPPI, A NATIVE ALABAMIAN, ON HER 104TH BIRTHDAY.

On motion of Mr. Robertson, said Resolution was then concurred in and adopted by the Senate.

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Messrs. Jesse T. Todd, William T. Howell, and John C. Goodson, Jr., to the Farmers Market Authority.

On motion of Mr. Cook, the appointment of Mr. Todd was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Keener	St. John
Cook	Harrison	Lemaster	Teague (B)
Denton	Higginbotham	Miller	Vacca
Figures	Hilliard	Parsons	Weeks
Goodwin	Holmes	Robertson	

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Nays:

—0

FIRST EXTRAORDINARY SESSION
4th Day

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On motion of Mr. Lemaster, the appointment of Mr. Howell was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	St. John
Callahan	Harrison	Little	Teague (B)
Cook	Higginbotham	Miller	Vacca
Denton	Holmes	Parsons	Weeks
Goodwin	Keener	Robertson	—18

Nays: —0

On motion of Mr. Robertson, the appointment of Mr. Goodson was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Lemaster	Robertson
Callahan	Higginbotham	Little	St. John
Cook	Holmes	Martin	Teague (B)
Denton	Keener	Miller	Vacca
Goodwin	Kirkland	Parsons	Weeks
Hall			—20

Nays: —0

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sandusky:

H. 10. To authorize the Alabama State Docks Department to fund a retirement plan for various employees of the Alabama State Docks Department for which the Department is contractually obligated including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and a health insurance plan for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance solely from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans; to provide an effective date for this Act and repeal all laws in conflict therewith.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sandusky:

H. 9. To provide that educational personnel may use their hospital medical insurance allotment for the purchase of dental insurance.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McCorquodale, Biddle, Manley, Turner, Mitchell, Boles, Grouby and Smith (C):

H. 1. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 18. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

By Reps. Johnson (Roy), Smith (C), Holley, Biddle, Cheatwood, Bennett, Gilmer, Daniels, Ford, Whatley, Wyatt, Amari, Seibels, McKee, Hall, Blake, Turner, Carter, Cabaniss, Olive, Laird and Albright:

H. 58. Proposing an amendment to Section 56 of the State Constitution relating to immunity from arrest for members of the legislature for certain offenses, so as to provide that legislative members would not be immune from arrest resulting from the offense of driving a motor vehicle while under the influence of alcohol or controlled substances.

The above Bill was read a second time at length as required by the Constitution.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley (With Substitute):

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McCorquodale (with notice and proof):

H. 2. To provide for an increase in the court costs which may be imposed upon conviction, in the municipal court of the City of Thomasville, Clarke County, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the City of Thomasville, Clarke County, and used by it for law enforcement and judicial purposes.

By Rep. Stout (with notice and proof):

H. 4. To authorize the DeKalb County Commission to make appropriations and expenditures from the general fund to the DeKalb County Association for Retarded Citizens, Inc., a non-profit corporation, for the purpose of assisting said association with the education, training, rehabilitation and similar assistance to retarded citizens of DeKalb County.

By Rep. Waggoner (with notice and proof):

H. 14. Relating to Shelby County, to amend Sections 3, 11 and 12 of Act No. 62, H. 213, First Special Session 1977 (Acts 1977, p. 1483), as amended, relating to fire protection and emergency medical services districts, so as to provide further for the composition and tax-exemption of such districts and to provide for retroactive effect.

By Rep. Moore (with notice and proof):

H. 22. Relating to Shelby County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Shelby County and to direct the board of registrars to perform certain duties heretofore performed by the probate judge and to supply the probate judge from time to time with certain information necessary to the fulfillment of his lawful duties; to require any funds accruing in connection with the use or sale of all lists to be paid into the county treasury of Shelby County and to regulate the use thereof and to repeal conflicting laws.

By Rep. Venable (with notice and proof):

H. 68. To amend Act No. 78-843 relating to Elmore County excise and privilege tax on the severance of clay, sand, and gravel in said county so as to provide for the administration and collection of such tax by the state department of revenue.

By Rep. Venable (with notice and proof):

H. 69. Relating to Elmore County; increasing the fee for a pistol permit or license; providing for the disposition of the proceeds from such fees; and repealing Act No. 642, H. 1522, 1975 Regular Session (Acts 1975, p. 1398).

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Coburn and Gafford:

H. 6. To amend and re-enact Act No. 82-465, S. 353, 1982 Regular Session, which extensively amends Sections 40-18-5, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71 and 40-18-81, Code of Alabama 1975, relating to state income tax exemptions, exclusions, deductions for individuals, married persons, corporations and charitable entities, so as to further

provide therefor and to make certain provisions conform to federal laws, and so as to correct a technical error.

By Rep. Cates, et al.

H. 43. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase, to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

RESOLUTIONS

Messrs. Parsons and Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. CREATING A JOINT LEGISLATIVE COMMITTEE TO DETERMINE THE EXTENT OF THE REPORTED FISCAL CRISIS IN THE STATE GENERAL FUND PROVIDING FOR THE POWERS AND DUTIES OF SAID COMMITTEE AND FURTHER SETTING THE MEETING DATES OF THE LEGISLATURE AND PROVIDING FOR SERVICE WITHOUT PAY FOLLOWING THE ADJOURNMENT OF THE LEGISLATURE ON FRIDAY, MAY 28.

WHEREAS, a financial crisis of unknown proportions is reported to exist in the State's General Fund; and

WHEREAS, the crisis is reported to be of such magnitude as to prompt the State Finance Director to suspend all purchases by state agencies until further notice; and

WHEREAS, the economy of the State and Nation which influences the general fund of the State of Alabama does not appear to be heading for any dramatic upturn soon; and

WHEREAS, approximately 30 days ago, the State borrowed approximately one-half billion dollars; and

WHEREAS, a re-assessing of the priorities insofar as the expenditure of the approximately one-half billion dollars may be in order; and

WHEREAS, a more detailed accounting of state finances may be needed by the Legislature before this session is adjourned; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

1. Following adjournment of the Legislature Friday, May 28, until this special session of the Legislature ends, and pending a determination of the

extent of the reported fiscal crisis, the Legislature of Alabama shall serve without pay.

2. When the Legislature adjourns on Friday, May 28, they adjourn to meet again on Thursday, June 10, and when they adjourn on Thursday, June 10, they adjourn to meet again on Friday, June 11, and when they adjourn on Friday, June 11, they adjourn to meet again on Monday, June 14, and when they adjourn on Monday, June 14, they adjourn to meet again on Tuesday, June 15, and when they adjourn on Tuesday, June 15, they adjourn to meet again on Wednesday, June 16, and when they adjourn on Wednesday, June 16, they adjourn to meet again on Tuesday, June 22, and when they adjourn on Tuesday, June 22, they adjourn sine die.

3. There is hereby established an extraordinary legislative committee comprised of the Lieutenant Governor, the Speaker, the Chairman of Ways and Means Committee, the Chairman of Finance and Taxation Committee, the Attorney General of the State of Alabama, the Chief Justice of the State of Alabama, all serving ex officio and five members of the House of Representatives appointed by the Speaker and five members of the State Senate appointed by the Lieutenant Governor. The extraordinary committee shall meet on Monday, May 31, at 2:00 p.m. in the Senate Chambers to plan their work. The Lieutenant Governor and the Speaker shall serve as joint chairmen and may name subcommittees of as little as one Senate and one House member to hear testimony, however a quorum of six committee members shall be required to make official recommendation to the Legislature. The committee shall have subpoena power and all departments of the State of Alabama and all employees thereof are directed to cooperate with the committee. The committee shall report its preliminary findings to the full Legislature along with any recommendations it may have for further action on June 10.

The committee shall cease to exist at the end of this legislative session.

Which was read and referred to the Standing Committee on Rules.

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 23. HONORING DOCTOR DONALD E. DAVIS OF AUBURN, ALABAMA, FOR HIS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

Which was adopted.

Messrs. Teague (B), Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. MOURNING THE DEATH OF MRS. MARJORIE HILL KOHN OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death, on May 22, 1982, of Mrs. Marjorie Hill Kohn of Montgomery, Alabama; and

WHEREAS, the daughter of Algie Hardwick and Walton Harris Hill, Mrs. Kohn was a member of one of Montgomery's oldest pioneer families; she is survived by her husband, Mr. Francis M. Kohn, and in addition to her

daughter, Marjorie Kohn who is our associate and employee of the Alabama Senate, Mrs. Kohn leaves a second daughter, Mary Walton Upchurch, and a son, Francis H. Kohn; and

WHEREAS, Mrs. Kohn had been a director of the Union Bank and Trust Company of Montgomery since 1942 and was further prominent through involvement in the social and civic affairs of her community as a member of the Montgomery Junior League, Colonial Dames of the Magna Carta and of the English Speaking Union; and

WHEREAS, she also served on the board of the Retired Senior Volunteer Program and the University of Alabama Fine Arts Committee and was a faithful communicant of the Episcopal Church of the Ascension; and

WHEREAS, the death of Mrs. Kohn has indeed left a deep void in the lives of all those she served and who so richly reaped the rewards of her labor on their behalf; she was a lady of deep commitment, singular in personal sacrifice to the benefaction of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Mrs. Marjorie Hill Kohn of Montgomery, Alabama, and direct that her family receive a copy of this resolution in expression of our most heartfelt sympathy and that they may know we deeply share the sorrow of their great and grievous loss.

On motion of Mr. Teague (B), the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. Cook rose to a Point of Personal Privilege and delivered the following statement:

POINT OF PERSONAL PRIVILEGE

Mr. President and Gentlemen of the Senate:

I rise about an unfortunate incident of some 11 weeks ago near Clanton, Alabama. Not to offer excuses for myself, not to find fault with others, but to express to you regret, to admit a human error, to express my profound apologies; to apologize to my colleagues in this body and the House of Representatives; to apologize to my constituents, the citizens of Alabama, and to my family; to allude, very briefly, to the events that developed as a result of the March 11 incident.

Mr. President, my attitude is one of humility, one of humbleness, one of regret, and one of sorrow. But, Mr. President, not one absent of pride of accomplishment, not one absent of integrity in government, not one lacking dedication to my constituency, not one apologizing for ineffectiveness, not one confessing a lack of truth and veracity, and most of all, not one sacrificing my traditional moral principles. I could have plead guilty as charged and suffered far, far, less of a penalty than has been mine. But then my principles would have been sacrificed, and contrary to what you have been led to believe, justice would not have prevailed.

The facts of this incident have been misrepresented. They have been misstated-giving credence to only statements other than mine. But the facts need not be stated here or rehashed-because my attitude is not one of sour grapes. Being a victim of political deeds and reporting need not be fatal to

one's pride, effectiveness, welfare, and certainly not to the affairs of this state, which I deem to be far more important.

Mr. President, the immunity issue: everyone knows that constitutional and statutory immunity was involved in this case — but not at my insistence. What has not been mentioned by anyone at any time is a constitutional right that I waived in a release I signed, holding harmless from civil liability the City of Clanton and its agents and employees a release prompted by facts relating to erroneous charges and lack of jurisdiction as well as the immunity provisions in our statutes and constitution. To the contrary, I personally did not want immunity, as my colleague Senator Goodwin can verify. The Mayor of Clanton confirmed in a weekly newspaper report that the city had no choice based upon the facts, (yes, facts) and the law — A report that was never mentioned by the media in my district.

Mr. President, Doug Cook should not be treated any differently than anyone else in this state. I feel very strongly that I should be treated, tried and prosecuted just as the steelworkers, barbers, doctors, bakers, hairdressers or anyone else in this state. Accordingly, I subscribe to the tenet that we live under a government of laws and not of men and that no man is above the law. We in positions of government should be under additional scrutiny, particularly where it pertains to public trust. Conversely, public officials should not be harassed or mistreated because of some legislation they choose to sponsor.

Mr. President, I will support repeal of legislative immunity. If we legislate a repeal of immunity, then let's be deliberate and rational and not demagogues. The pending bills repeal a portion, but not all of our immunity. The advocates must believe in some immunity, but not complete. So they must be above the law, depending on the immunity. Why are we not attempting to repeal the statutory provisions 29-1-7 of the code which leaves us with the same immunity provided by the constitution which S. B. 33, attempts to amend? Are supporters going to walk away from this session with a "wink" at each other saying we repealed immunity, knowing full well their statutory immunity still exists? (which is stronger than the constitution) Why not repeal the civil liability immunity for slander on the floor of the Senate. Far more damages to citizens occur right here than any other provisions of the statute and constitution on immunity. Why not repeal National Guard immunity — both statutory and constitutional? Some 20,000 families are affected by this provision and it would not be politically popular. So Mr. President, let's get rid of all immunity and apply the law equally if we believe in fairness. This is no time for political grandstanding — or is it for some?

Mr. President, I am grateful for my many friends and supporters in my recent unfair publicity. I thank God no one else was hurt as severely as I. I admit I was wrong, and again I apologize. My legislative record speaks for itself. I have enjoyed a moral, Christian, heritage. I have an impeccable ethical conduct background. I have never betrayed my position of trust to my constituents or my colleagues. So I say, if you have never erred then condemn me. If you have erred, then forgive me. For my God fearing, Christian, background has taught me to err is human, to forgive is divine. If the former does not apply to you, then I would appreciate your consideration of the latter.

Thank you,

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Owens, Zoghby, McKee, Mitchem, McCorquodale, Venable and Grouby:

H. J. R. 24. EXPRESSING THE INTENT OF THE LEGISLATURE REGARDING THE IMMEDIATE IMPLEMENTATION OF THE PAY AND CLASSIFICATION PLAN FOR STATE EMPLOYEES AS SUBMITTED TO AND APPROVED BY THIS BODY.

WHEREAS, it has come to the attention of the Legislature that the State Personnel Board has proposed to change the pay and classification plan approved by this body during the last Regular Session; and

WHEREAS, the Legislature had held joint public hearings concerning the proposed state employee pay and classification plan in accordance with Act 81-1182, 1981 Third Special Session; and

WHEREAS, the pay and classification plan was submitted as a total and complete package after it had been approved by the State Personnel Board and Governor; and

WHEREAS, this plan was the culmination of over two years of study by the Personnel Board and Department before its submission during which time there was ample opportunity to develop said plan; and

WHEREAS, employees over this period had been informed of the details of the plan and how it would effect them; and

WHEREAS, this body has approved the plan without any modifications as now proposed at this late hour by the Personnel Board; and

WHEREAS, the Legislature was informed by the Governor during deliberations on the cost-of-living raise that state employees would be eligible for performance salary advances immediately upon implementation of this plan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the immediate implementation of the pay and classification plan as submitted to this body without the changes now proposed by the State Personnel Board, and

BE IT FURTHER RESOLVED, That this body does specifically disapprove changes in the implementation of the variable step increases for state employees based on performance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale, Smith (M), Riddick, Albright, Smith (J) and Hall:

H. J. R. 21. COMMENDING MRS. EUNICE JENKINS MERRILL OF HUNTSVILLE, PROPRIETRESS OF ALABAMA'S LEGENDARY EUNICE'S COUNTRY KITCHEN.

Also:

By Rep. Williams:

H. J. R. 25. COMMENDING OFFICER IAN WILLIAM "JOHN" LAKE, DALEVILLE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R. 's 21 and 25, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cobb, Carothers, Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 19. NAMING THE AIRPORT IN MARION COUNTY, ALABAMA, IN MEMORY AND IN TRIBUTE TO THE HONORABLE RANKIN FITE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 19, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyby:

H. J. R. 23. DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 23, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Bedsole, Seibels, Williams, Roberts, Bennett, Cosby, Lewis, Patton, Daniels and Johnson (R. G.):

H. 89. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

Also:

By Rep. Waggoner (with notice and proof):

H. 90. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 90, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 91. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 92. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 92, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake:

H. 94. To propose an amendment to the Constitution of 1901, to repeal Amendment No. 196, relating to costs and charges of courts and compensation of certain officers in St. Clair County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 89. To the Committee on Health and Welfare

H. B. 's 90, 91, 92, and 94. To the Committee on Local Legislation No. 1

(The above Bill, H. B. 94, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cates, Daniels and Holley:

H. 47. To amend Section 40-3-7, Code of Alabama 1975, relating to the compensation and mileage for members of boards of equalization, so as to provide further therefor; and to make the provisions retroactive.

Also:

By Rep. Clark (G):

H. 23. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

Also:

By Rep. Clark (G):

H. 24. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B. 's 47, 23, and 24. To the Committee on Finance and Taxation

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. St. John, the Senate adjourned until Friday, May 28, 1982, at 10:30 A.M.

FIFTH LEGISLATIVE DAY

FRIDAY, MAY 28, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Callahan	Harrison	Martin	St. John
Cook	Higginbotham	McDonald	Smith
deGraffenried	Hilliard	Miller	Taylor
Denton	Holmes	Mitchem	Teague (B)
Figures	Keener	Parsons	Vacca
Goodwin	Kirkland	Pearson	Weeks

—31

JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Higginbotham, leave of absence was granted Messrs. Britnell, Glass, Teague (J), and White for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. CREATING THE COMMITTEE ON THE BOARD OF CORRECTIONS CAPITAL OUTLAY.

Also:

H. J. R. 10. ENCOURAGING THE USE OF ALABAMA LABOR, PRODUCTS AND MATERIALS FOR CONSTRUCTION PROJECTS FINANCED BY BOND ISSUE FUNDS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 32. COMMENDING CHUCK LYNN OF MONTGOMERY, ALABAMA, ON HIS MANY ACCOMPLISHMENTS IN THE FIELD OF BODY-BUILDING.

Also:

By Rep. McKee:

H. J. R. 33. EXPRESSING LEGISLATIVE INTENT REGARDING THE TAX EXEMPTION GRANTED MANUFACTURERS OF RAILROAD CARS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague (B), the Rules were suspended and the Resolution, H. J. R. 32, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 33, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 24. EXPRESSING THE INTENT OF THE LEGISLATURE REGARDING THE IMMEDIATE IMPLEMENTATION OF THE PAY AND CLASSIFICATION PLAN FOR STATE EMPLOYEES AS SUBMITTED TO AND APPROVED BY THIS BODY.

On motion of Mr. Teague (B), said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 25. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1982 First Special Session only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 19	21	Reapportionment
H. B. 18	20	To make temporary changes in the election laws of Alabama

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 68. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Hilliard	McDonald	Smith
Cook	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Teague (B)
Figures	Kirkland	Parsons	Vacca
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little		

—25

Nays: —0

The Bill:

S. 69. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John	
Bailey	Hilliard	McDonald	Smith	
Cook	Holmes	Miller	Taylor	
Denton	Keener	Mitchem	Teague (B)	
Figures	Kirkland	Parsons	Vacca	
Goodwin	Lemaster	Proctor	Weeks	
Gulledge	Little			—25

Nays: —0

The Bill:

S. 70. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John	
Bailey	Hilliard	McDonald	Smith	
Cook	Holmes	Miller	Taylor	
Denton	Keener	Mitchem	Teague (B)	
Figures	Kirkland	Parsons	Vacca	
Goodwin	Lemaster	Proctor	Weeks	
Gulledge	Little			—25

Nays: —0

The Bill:

H. 2. To provide for an increase in the court costs which may be imposed upon conviction, in the municipal court of the City of Thomasville, Clarke County, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the City of Thomasville, Clarke County, and used by it for law enforcement and judicial purposes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Proctor	
Bailey	Gulledge	McDonald	St. John	
Callahan	Hall	Miller	Smith	
Cook	Hilliard	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Kirkland	Pearson	Weeks	
Figures	Little			—25

Nays: —0

The Bill:

H. 4. To authorize the DeKalb County Commission to make appropriations and expenditures from the general fund to the DeKalb County Association for Retarded Citizens, Inc., a non-profit corporation, for the purpose of assisting said association with the education, training, rehabilitation and similar assistance to retarded citizens of DeKalb County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	McDonald	Smith
Callahan	Harrison	Miller	Taylor
Cook	Hilliard	Mitchem	Teague (B)
Denton	Holmes	Pearson	Vacca
Figures	Keener	Proctor	Weeks
Goodwin	Lemaster		
			—25

Nays: —0

The Bill:

H. 14. Relating to Shelby County, to amend Sections 3, 11, and 12 of Act No. 62, H. 213, First Special Session 1977 (Acts 1977, p. 1483), as amended, relating to fire protection and emergency medical services districts, so as to provide further for the composition and tax-exemption of such districts and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Hilliard	McDonald	Smith
Cook	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Teague (B)
Figures	Kirkland	Parsons	Vacca
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little		
			—25

Nays: —0

The Bill:

H. 22. Relating to Shelby County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Shelby County and to direct the board of registrars to perform certain duties heretofore performed by the probate judge and to supply the probate judge from time to time with certain information necessary to the fulfillment of his lawful duties; to require any funds accruing in connection with the use or sale of all lists to be paid into the county treasury of Shelby County and to regulate the use thereof and to repeal conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Hilliard	McDonald	Smith
Cook	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Teague (B)
Figures	Kirkland	Parsons	Vacca
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little		

—25

Nays:

—0

The Bill:

H. 68. To amend Act No. 78-843 relating to Elmore County excise and privilege tax on the severance of clay, sand, and gravel in said county so as to provide for the administration and collection of such tax by the state department of revenue.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Pearson
Bailey	Harrison	Martin	Proctor
Callahan	Hilliard	McDonald	St. John
Cook	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Vacca
Figures	Kirkland	Parsons	Weeks
Goodwin	Lemaster		

—25

Nays:

—0

The Bill:

H. 69. Relating to Elmore County; increasing the fee for a pistol permit or license; providing for the disposition of the proceeds from such fees; and repealing Act No. 642, H. 1522, 1975 Regular Session (Acts 1975, p. 1398).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Pearson
Bailey	Harrison	Martin	Proctor
Callahan	Hilliard	McDonald	St. John
Cook	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Vacca
Figures	Kirkland	Parsons	Weeks
Goodwin	Lemaster		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 4. URGING ALL LAW ENFORCEMENT OFFICERS AND ALL JUDGES TO RIGIDLY ENFORCE ALABAMA'S LITTER LAW.

Also:

H. J. R. 5. COMMENDING MRS. MARILYN WAGGONER FOR OUTSTANDING LEADERSHIP AS PRESIDENT OF THE LEGISLATIVE WIVES AND HUSBANDS CLUB.

Also:

H. J. R. 7. HONORING MRS. LULA CORNELIA MORGAN ROBERTS OF QUITMAN, MISSISSIPPI, A NATIVE ALABAMIAN, ON HER 104th BIRTHDAY.

Also:

H. J. R. 12. CONGRATULATING MR. LEONARD D. "RED" TRIONE OF DAPHNE, ALABAMA, AS FIREMAN OF THE YEAR FROM THE BALDWIN COUNTY FIRE CHIEF'S ASSOCIATION.

Also:

H. J. R. 18. REQUESTING THE STATE PERSONNEL BOARD TO ESTABLISH POLICIES GIVING PREFERENCE IN STATE EMPLOYMENT TO CITIZENS OF THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Mr. Proctor, Vice-Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Bedsole, Seibels, Williams, Roberts, Bennett, Cosby, Lewis, Patton, Daniels and Johnson (R. G.):

H. 89. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner (with notice and proof):

H. 90. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. Waggoner (with notice and proof):

H. 91. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. Waggoner (with notice and proof):

H. 92. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. Blake:

H. 94. To propose an amendment to the Constitution of 1901, to repeal Amendment No. 196, relating to costs and charges of courts and compensation of certain officers in St. Clair County.

The above Bill was read a second time at length as required by the Constitution.

RECESS

At 11:45 A.M., on motion of Mr. Higginbotham, the Senate took a recess until 2 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 14. DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

Also:

S. J. R. 18. DOUGLAS B. HESTER, LEGISLATIVE COUNSEL TO THE UNITED STATES SENATE, CONGRATULATED.

Also:

S. J. R. 20. DESIGNATING JUNE 10, 11 AND 12, 1982, AS THE OFFICIAL "ALABAMA BLUEBERRY FESTIVAL."

Also:

S. J. R. 21. HONORING MRS. GENE BRINDLEY HORTON, PROMINENT MORGAN COUNTY EDUCATOR.

Also:

S. J. R. 24. MOURNING THE DEATH OF MRS. MARJORIE HILL KOHN OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 2. Relating to selling and redeeming lands for taxes in Colbert County, Alabama.

Also:

S. 3. Relating to Pike County; to authorize the Pike County Board of Education to insure school property with a private insurance company or carrier.

Also:

S. 5. Relating to Talladega County; providing further for the compensation of members of the county board of education and repealing Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156) and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496).

Also:

S. 6. Relating to Pike County; allowing city and county boards of education to pay the actual expenses of their legal counsel in attending legal seminars and workshops on developments in school law.

Also:

S. 4. To amend Act No. 81-1192, S. 28, 1981 Third Special Session, entitled, "An Act Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs," so as to provide said uniform maintenance allowance and pay to certain other county personnel and to provide retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 23. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 23, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 23

Amend Senate Bill 23 on page 1, line 29 by deleting the words "not less than" and inserting in lieu thereof the words

"not more than".

Further amend Senate Bill 23 on page 3, line 13 by deleting the words "not less than" and inserting in lieu thereof the words

"not more than".

Further amend Senate Bill 23 on page 7 by deleting lines 8 through 10 in their entirety and inserting in lieu thereof the following new lines:

"Section 16. This Act shall become effective October 1, 1982."

Yeas 20; Nays 0.

Yeas:

Messrs.:	Holmes	Martin	St. John
Callahan	Keener	McDonald	Smith
Cook	Kirkland	Miller	Teague (B)
Harrison	Lemaster	Mitchem	Vacca
Higginbotham	Little	Parsons	Weeks
Hilliard			

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 2. To provide for an increase in the court costs which may be imposed upon conviction, in the municipal court of the City of Thomasville, Clarke County, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the City of Thomasville, Clarke County, and used by it for law enforcement and judicial purposes.

Also:

H. 4. To authorize the DeKalb County Commission to make appropriations and expenditures from the general fund to the DeKalb County Association for Retarded Citizens, Inc., a non-profit corporation, for the purpose of assisting said association with the education, training, rehabilitation and similar assistance to retarded citizens of DeKalb County.

Also:

H. 14. Relating to Shelby County, to amend Sections 3, 11, and 12 of Act No. 62, H. 213, First Special Session 1977 (Acts 1977, p. 1483), as amended, relating to fire protection and emergency medical services

districts, so as to provide further for the composition and tax-exemption of such districts and to provide for retroactive effect.

Also:

H. 22. Relating to Shelby County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Shelby County and to direct the board of registrars to perform certain duties heretofore performed by the probate judge and to supply the probate judge from time to time with certain information necessary to the fulfillment of his lawful duties; to require any funds accruing in connection with the use or sale of all lists to be paid into the county treasury of Shelby County and to regulate the use thereof and to repeal conflicting laws.

Also:

H. 68. To amend Act No. 78-843 relating to Elmore County excise and privilege tax on the severance of clay, sand, and gravel in said county so as to provide for the administration and collection of such tax by the state department of revenue.

Also:

H. 69. Relating to Elmore County; increasing the fee for a pistol permit or license; providing for the disposition of the proceeds from such fees; and repealing Act No. 642, H. 1522, 1975 Regular Session (Acts 1975, p. 1398).

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 24. EXPRESSING THE INTENT OF THE LEGISLATURE REGARDING THE IMMEDIATE IMPLEMENTATION OF THE PAY AND CLASSIFICATION PLAN FOR STATE EMPLOYEES AS SUBMITTED TO AND APPROVED BY THIS BODY.

Also:

H. J. R. 32. COMMENDING CHUCK LYNN OF MONTGOMERY, ALABAMA, ON HIS MANY ACCOMPLISHMENTS IN THE FIELD OF BODY-BUILDING.

Also:

H. J. R. 33. EXPRESSING LEGISLATIVE INTENT REGARDING THE TAX EXEMPTION GRANTED MANUFACTURERS OF RAILROAD CARS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 2. Relating to selling and redeeming lands for taxes in Colbert County, Alabama.

Also:

S. 3. Relating to Pike County; to authorize the Pike County Board of Education to insure school property with a private insurance company or carrier.

Also:

S. 4. To amend Act No. 81-1192, S. 28, 1981 Third Special Session, entitled, "An Act Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs," so as to provide said uniform maintenance allowance and pay to certain other county personnel and to provide retroactive effect.

Also:

S. 5. Relating to Talladega County; providing further for the compensation of members of the county board of education and repealing Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156) and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496).

Also:

S. 6. Relating to Pike County: allowing city and county boards of education to pay the actual expenses of their legal counsel in attending legal seminars and workshops on developments in school law.

Also:

S. J. R. 14. DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

Also:

S. J. R. 18. DOUGLAS B. HESTER, LEGISLATIVE COUNSEL TO THE UNITED STATES SENATE, CONGRATULATED.

Also:

S. J. R. 20. DESIGNATING JUNE 10, 11 AND 12, 1982, AS THE OFFICIAL "ALABAMA BLUEBERRY FESTIVAL."

Also:

S. J. R. 21. HONORING MRS. GENE BRINDLEY HORTON,
PROMINENT MORGAN COUNTY EDUCATOR.

Also:

S. J. R. 24. MOURNING THE DEATH OF MRS. MARJORIE HILL
KOHN OF MONTGOMERY, ALABAMA.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 19, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 19

A BILL TO BE ENTITLED AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

House District 1 shall consist of: In Lauderdale County: In Tract 0101: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5, All of Tract 0107, Tract 0108, Tract 0115, Tract 0116, Tract 0117, Tract 0118.

House District 2 shall consist of: In Lauderdale County: In Tract 0101: Block Group 6, Block Group 7, All of Tract 0102, Tract 0103, Tract 0104, Tract 0105, Tract 0106, Tract 0109, Tract 0110, Tract 0111, In Tract 0112: Block 103, Block Group 2, Blocks 401, 402 and 403, All of Tract 0113, Tract 0114.

House District 3 shall consist of: In Colbert County: Tract 0201, Tract 0202, Tract 0203, Tract 0204, Tract 0205, Tract 0206, Tract 0209, Tract 0210, Tract 0207, Block 101 only. In Lauderdale County: Tract 0112, Block 101, Block 102, Block 149, Block 150, Block Group 3 (all), Block 405, Block 406, Block Group 5, Block Group 6, Block Group 7, Block Group 9, Enumeration District 444T, Enumeration District 444U, Enumeration District 445.

House District 4 shall consist of: In Colbert County: Leighton Division (All), Tract 207 except Block 101 (land only). In Franklin County: Russellville Division (All); In Phil-Campbell Division (Remainder), Enumeration District 0070U, Enumeration District 0071.

House District 5 shall consist of: In Franklin County: Red Bay Division (All), Vina Division (All), Phil-Campbell Division, Enumeration District 0068, Enumeration District 0069, Enumeration District 0070T. In Marion County: All except Guin Division.

House District 6 shall consist of: Lamar County (All). Fayette County. In Marion County: Guin Division.

House District 7 shall consist of: Lawrence County. In Morgan County: Danville Division, Decatur Division, Tract 0051: Block Group 4, Tract 0051: Block Group 5, Tract 0051: Block Group 5, Tract 0051: Block Group 3, Tract 0051: Block Group 6, except for Blocks 601 through 609p and except for Blocks 623 and 627, Enumeration District 270.

House District 8 shall consist of: In Morgan County: Decatur Division: Tract 0001, except for Block Groups 5 and 6, Tract 0004, Tract 0005, Tract 0006, Tract 0007, Tract 0008, Tract 0009, Tract 0010, Tract 0051: Block Group 1, Block Group 2, Blocks 601 through 609p and Blocks 623 and 627, Block Group 7, Block Group 8, Block Group 9.

House District 9 shall consist of: In Morgan County: Tract 0001, Block Group 5, Block Group 6, Tract 0002, Tract 0003, Tract 0053, Tract 0054.02, Lacey Springs Division, Tract 0054.01.

House District 10 shall consist of: In Morgan County: Eva Division, Falkville Division. In Cullman County: Vinemont Division, Simcoe Division, Baileyton-Joppa Division, Holly Pond Division, Welti Division, Hanceville Division, Except Enumeration District 140 and Enumeration District 137, Jones Chapel Division, Enumeration District 114.

House District 11 shall consist of: In Cullman County: Cullman Division, Breman Division, Jones Chapel Division, Except Enumeration District 114, Crane Hill Division, Logan Division, Hanceville Division, Enumeration District 140 and Enumeration District 137. In Winston County: Addison Division (p): Enumeration District 604T, Enumeration District 605A, Enumeration District 605U, In Double Springs Division: Enumeration District 606, Enumeration District 607, Enumeration District 608, Enumeration District 610B, Enumeration District 610A.

House District 12 shall consist of: In Winston County: In Addison Division (p): Enumeration District 600, Enumeration District 601, Enumeration District 605B, Enumeration District 602, Enumeration District 603, Enumeration District 604U, In Double Springs Division: Enumeration District 609T, Enumeration District 609U, Haleyville Division (all), Lynn Division (all). In Walker County: Carbon Hill Division, Nauvoo Division, Manchester Division, Townley Division, In Oakman Division (p): Enumeration District 912, In Remainder of Jasper Division: Enumeration District 882, Enumeration District 883, Enumeration District 879A, Enumeration District 880,

Enumeration District 881, Enumeration District 886, Enumeration District 887; In Remainder of Jasper Division: Enumeration District 884, Enumeration District 885A.

House District 13 shall consist of: All of Walker County except that part included in House District 42 and House District 12.

House District 14 shall consist of: In Jefferson County: Tract 0115, Tract 0121.04, Tract 0114, Tract 0113, less Block Group 4, in Block Group 1, Blocks 152 and 153, and in Block Group 3, Blocks 305-311, 340-342, 344, 346-350, Tract 0122, less Enumeration Districts 112 and 113, Tract 0124.03, less Block Groups 6 and 9, Tract 0123.02, Enumeration District 115, Tract 0121.03, less Block Groups 5, 7 and 9 and in Block Group 2, Block 222. In Blount County: Tract 0505—Blountsville Division, except Enumeration District 782 and Enumeration District 780, Tract 0506—Hayden Division: Tract 0507—Locust Fork Division, Enumeration District 807, Enumeration District 811, Block Group 1, Block Group 3.

House District 15 shall consist of: In Jefferson County: Tract 0059.04, Block Group 1, Tract 0111.03, Tract 0111.04, Tract 0112.03, Tract 0112.04, Tract 0112.05, Tract 0112.06, Tract 0113.00, Block Group 1, Blocks 152, 153, Block Group 3, Blocks 305-311, 340-342, 344, 346-350, Block Group 4. In St. Clair County: Tract 0405: Enumeration District 859, Enumeration District 860, Enumeration District 865.

House District 16 shall consist of: In Limestone County: Tract 0201, Tract 0202, Tract 0203, Tract 0204, Tract 0205, Tract 0206, Tract 0207, Tract 0209, Tract 0210, Tract 0211p, Enumeration District 692.

House District 17 shall consist of: In Limestone County: Tract 0208, Tract 0212, Tract 0211, less Enumeration District 692. In Madison County: Tract 0104, Tract 0105, in the remainder of Huntsville Division, Tract 0106, less Blocks 101-104, 149-150, 201-209 and 901-904, Tract 0110, Tract 0014, Tract 0022, Tract 0023, Blocks 402 through 426, 107, 108 and 211, Tract 0013, Blocks 201 through 211.

House District 18 shall consist of: In Madison County: Tract 0111, Tract 0112; In Huntsville Division: Tract 0023: Blocks 301-322 and 401, Tract 0024, Tract 0025.01, Tract 0025.02, Tract 0028.01, Tract 0027.01, Tract 0029.01, Tract 0028.02, Tract 0029.02, Tract 0026, Block Group 3; In New Hope Division: Tract 0113p, Block Group 1, Huntsville City Part, Tract 0113P.

House District 19 shall consist of: In Madison County: In Huntsville Division: Tract 0021, Tract 0012, Tract 0015, Tract 0006.01, Tract 0006.02, Tract 0005.03, Tract 0005.02, Tract 0005.01, Tract 0004.01, Tract 0023: Block Group 1, less Blocks 107 and 108, Block Group 2, less Block 211, Tract 0007.02: Blocks 105-122, Tract 0013, except for Blocks 201-211, Tract 0106.00, Blocks 101-104, 149, 150, 201-209 and 901-904.

House District 20 shall consist of: In Madison County: Tract 0107, except for Madison County Commission Shed No. 1, located at the intersection of Mooresmill Road and Shed Road, and containing zero population. In Huntsville Division: Tract 0004.02, Tract 0003.02, Tract 0003.01, Tract 0002.02, Tract 0007.01, Tract 0007.02, Blocks 101-104, Tract 0008, Tract 0002.01, Tract 0009.01, less Block Group 2, Tract 0108p: Block Group 9, Tract 0011, Tract 0001, Blocks 122, 123, 221, 225, 306-321 and 327, Tract 0016, Tract 0105 (city part).

House District 21 shall consist of: In Madison County: In Huntsville Division: Tract 0001, less Blocks 122, 123, 221, 225, 306-321 and 327, Tract 0010, Tract 0017, Tract 0018.01, Tract 0018.02, Tract 0019.01, Tract 0019.02, Tract 0019.03, Tract 0020, Tract 0027.02, Tract 0026: Block Groups 1 and 2, Tract 0109p (in Huntsville Division), Tract 0009.02, Tract 0009.01, Block Group 2, Tract 0108, Blocks 102, 106-123, 137-147, 152-164, 172-178 and 909.

House District 22 shall consist of: In Madison County: Tract 0113, less New Hope Division, Huntsville City (pt.) and less New Hope Division Tract 0113p, Block Group 1, Tract 0114, Tract 0109, Tract 0108, less Blocks 102, 106-123, 137-147, 152-164, 172-178 and 909 and less Block Group 9 in the remainder of the Huntsville Division, Tract 0102, Tract 0101, Tract 0103, and Madison County Commission Shed No. 1, located at the intersection of Mooresmill Road and Shed Road, and containing zero population. In Jackson County: The Paint Rock Division, The Princeton Division, The Scottsboro Division—BNA 9902, Except Blocks 203 and 218, Enumeration District 197, Enumeration District 196.

House District 23 shall consist of: In DeKalb County: The Ider Division, Enumeration District 0401. In Jackson County: BNA 9901 of the Scottsboro Division, Blocks 203 and 218 only of BNA 9902 in the Scottsboro Division, The Stevenson Division, The Bridgeport Division, The Long Island Division, The Pisgah Division, The Section Division, Enumeration District 198 of the Scottsboro Division, Enumeration District 195 of the Scottsboro Division.

House District 24 shall consist of: In DeKalb County: The Ft. Payne Division, The Valley Head-Mentone Division, The Ider Division less E. D. 0401, The Heneger Division, The Rainesville-Sylvania Division, The Fyffe Division.

House District 25 shall consist of: In Marshall County: Town Creek Division, Albertville-Boaz Division, except Enumeration District 817 and Enumeration District 821. In DeKalb County: Collinsville Division, Crossville Division, Geraldine Division.

House District 26 shall consist of: In Marshall County: Grant Division, Union-Grove Division, Arab Division, Guntersville Division, Douglass Division.

House District 27 shall consist of: In Marshall County: Albertville-Boaz Division (p): Enumeration District 817, Enumeration District 821. In Etowah County: Mountainboro Division, except Enumeration District 514A, Altoona Division. All of Blount County except: Haden Division, Enumeration Districts 781, 783 and 784 in Blountsville Division, Enumeration Districts 807, 811 and Block Groups 1 and 3 in Locust Fork Division.

House District 28 shall consist of: In Etowah County: Tract 0006, Tract 0011, Tract 0013, Tract 0014, Tract 0015, Tract 0016, Tract 0017, Tract 0101, Tract 0102, Tract 0104, Tract 0103(p): Enumeration District 527, Enumeration District 528, Block Group 1, Block Group 2.

House District 29 shall consist of: In Etowah County: Tract 0001, Tract 0002, Tract 0003, Tract 0004, Tract 0005, Tract 0007, Tract 0008, Tract 0009, Tract 0010, Tract 0012, Tract 0108, Tract 0109, Tract 0103(p): Block Group 9, Enumeration District 525, Enumeration District 526, Tract 0107(p): Block Group 1, Block Group 2, Block Group 6, Tract 0110(p): Mountainboro Division: Enumeration District 514A.

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House District 30 shall consist of: Cherokee County (All). In Etowah County: Tract 0105, Tract 0106, Tract 0107p: Enumeration District 501, Enumeration District 500.

House District 31 shall consist of: In Jefferson County: Tract 0111.05, Tract 0108.02, Tract 0108.03, Tract 0108.04, Tract 0108.05, Tract 0128.02, Tract 0128.01, Tract 0127.01.

House District 32 shall consist of: In Jefferson County: Tract 0108.01, Tract 0049, Tract 0048, Tract 0047.02, Tract 0044, Tract 0047.03, Tract 0056, Tract 0126.01, Tract 0126.02, Tract 0023.06, Tract 0045, Block Groups 2, 3, 4 and 5, Tract 0050, Block Group 2, Blocks 201-203, Tract 0053.02, Block Groups 1, 2 and 9, Tract 0059.03, Block Group 4, Blocks 414, 415, 421, 425 and 426.

House District 33 shall consist of: In Jefferson County: Tract 0107.01, Tract 0107.02, Tract 0107.03, Tract 0107.04, Tract 0107.05, Tract 0107.06, less Block Group 9, Blocks 921-923, 919, Tract 0144.01, Block Group 1, Tract 0143.02, Block Group 1, Blocks 101-103, 105, Block Group 2, Block 208, Block Group 3, Block Group 9, Blocks 903-905, 910, Tract 0130.02, less Block Group 1, Blocks 105, 109-111 and 151, Tract 0130.01, Tract 0129.01, Block Group 2, Tract 0131, Block Group 1, Tract 0057.01, Block Group 6, Blocks 625-628, 634, Block Group 7, Block Group 8.

House District 34 shall consist of: In Jefferson County: Tract 0118.01, Tract 0059.06, Tract 0118.02, Tract 0119.01, less Block Groups 1 and 8, Tract 0059.04, less Block Group 1, Tract 0059.05, Tract 0059.03, less Blocks 414, 415, 421, 425 and 426.

House District 35 shall consist of: In Jefferson County: Tract 0117.05, Tract 0117.03, Tract 0120.02, Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 6, Block Group 8, Block Group 9, Tract 0119.01, Block Groups 1 and 8, Tract 0109, Tract 0116, Tract 0117.06, Tract 0121.03, Block Group 2, Block 222, Block Group 5, Block Group 7, Block Group 9, Tract 0117.04.

House District 36 shall consist of: In Jefferson County: Tract 0001, Tract 0003, less Block Group 1, Tract 0018.01, Tract 0018.02, Tract 0023.03, Tract 0019.01, Tract 0022, Tract 0020, Tract 0021, Tract 0053.01, Tract 0053.02, less Block Groups 1, 2 and 9, Tract 0023.04, Tract 0024, Tract 0025, Tract

House District 37 shall consist of: In Jefferson County: Tract 0106.01, Tract 0106.02, Tract 0106.03, Tract 0135, Tract 0139.01, Tract 0134, Tract 0136.01, Tract 0136.02, Tract 0137, Block Group 4, Blocks 405 and 406, Tract 0133, Tract 0105, Tract 0131, less Block Group 1, Tract 0138.02.

House District 38 shall consist of: In Jefferson County: Tract 0040, Block Group 1, Blocks 108, 114-116 and 123, Block Group 2, Block Group 3, Block Group 4, Block Group 5, Block Group 6, Block Group 7, Block Group 8, Tract 0052, Tract 0051.02, Block Group 9, Tract 0057.02, Tract 0057.01, less Block Group 6, Blocks 625-628, 634 and less Block Groups 7 and 8, Tract 0038.03, Tract 0039, Tract 0130.02, Block Group 1, Blocks 105, 109-111 and 151, Tract 0031, Block Groups 2, 3, 4 and 5, Tract 0030.01, Block Groups 7 and 8, Tract 0132, Block Groups 3 and 4, Tract 0107.06, Block Group 9, Blocks 919, 921-923.

House District 39 shall consist of: In Jefferson County: Tract 0030.02, Tract 0029, Tract 0030.01, less Block Groups 7 and 8, Tract 0040, Block

Group 1, Blocks 104, 106, 109-113, 117-118 and 120-122, Tract 0041, Tract 0042, Tract 0050, Block Group 2, Blocks 204-207, 209 and 211, Block Group 3, Block Group 4, Block Group 5, Tract 0051.01, Tract 0051.02, less Block Group 9, Tract 0028.02, Tract 0058, Tract 0014, Block Group 3.

House District 40 shall consist of: In Jefferson County: Tract 0037, Tract 0036, Tract 0038.01, Tract 0132, less Block Groups 3 and 4, Tract 0038.02, Tract 0034, Tract 0035, Tract 0123.01, Block Group 3, Block Group 4, Block Group 5, Blocks 549 and 550, Block Group 9, Blocks 917-923 and 925, Tract 0124.02, less Block Group 2 and Block Group 4, Tract 0125, Tract 0124.03, Block Groups 6 and 9.

House District 41 shall consist of: In Jefferson County: Tract 0141.03, Block Group 1, Blocks 101, 102 and 114, Tract 0103.02, Tract 0101, Tract 0102, Tract 0138.01, Tract 0141.04, Tract 0137, less Block Group 4, Blocks 405 and 406, Tract 0103.01, Tract 0100.02, Block Group 2, Block 224, Tract 0104.01, Tract 0143.01, Block Group 3, Block Group 6.

House District 42 shall consist of: In Walker County: Tract 0213, Enumeration District 915, Tract 0214, Enumeration District 909U, Tract 0215, Tract 0216. In Jefferson County: Tract 0141.02, Enumeration District 120, Tract 0139.02, Tract 0100.02, less Block Group 2, Block 224, Tract 0100.01, Tract 0140, Block Group 1, Tract 0123.01, less Block Groups 3 and 4, Block Group 5, Blocks 549 and 550, and Block Group 9, Blocks 923-925 and 917, Tract 0123.02, less Enumeration District 115, Tract 0122, Enumeration District 112, Enumeration District 113.

House District 43 shall consist of: In Jefferson County: Tract 0008, Tract 0007, Tract 0002, Tract 0019.02, Tract 0003, Block Group 1, Tract 0005, less Block Groups 4, 5 and 6, Tract 0055, Tract 0004, Tract 0054, Tract 0119.03, Block Group 1, Block Group 3, less Blocks 303-310, 313, 314, 316, 324-325, 342-344, 346, 347, Block Group 4, Tract 0119.02, Tract 0006, Block Group 1, Block Group 5, Blocks 511, 514.

House District 44 shall consist of: In Jefferson County: Tract 0009, Block Group 1, Block Group 2, Block Group 3, Block Group 5, Tract 0014, less Block Group 3, Tract 0015, Tract 0016, Tract 0017, Tract 0026.01, Tract 0026.02, Tract 0027, Tract 0028.01, Tract 0045, less Block Groups 2, 3, 4 and 5, Tract 0046, Tract 0047.01, Tract 0006, less Block Group 1, Block Group 5, Blocks 511 and 514, Tract 0005, Block Groups 4, 5 and 6.

House District 45 shall consist of: In Jefferson County: Tract 0120.01, Tract 0011, Tract 0012, Tract 0010, Tract 0031: Block Group 1, Block Group 6, Block Group 7, Tract 0032, Tract 0033, Tract 0120.02: Block Group 5, Tract 0124.01, Tract 0124.02: Block Group 2, Block Group 4, Tract 0009: Block Group 4, Block Group 6, Block Group 7, Block Group 8.

House District 46 shall consist of: In Tuscaloosa County, Tract 0113, Blocks 101 and 120, Tract 0116, Tract 0117, Tract 0118, Tract 0119, Tract 0120, Tract 0124, Tract 115, Block Group 1, Tract 125 (Tuscaloosa City pt.), Block Group 1, Tract 125, Blocks 102, 105p, 107p, 111, 112 and 123 in the Remainder of the Tuscaloosa Division, Tract 123, Blocks 221-225 and 229 in the Remainder of the Tuscaloosa Division.

House District 47 shall consist of: In Tuscaloosa County, Tuscaloosa City part of Windham Springs Division, Tract 0104.02, Tract 0105, Tract 0108, Block Group 1, Blocks 203 and 235, Block Group 3 except Blocks 301-311 and 340, and Block Group 9, Tract 0109, Tract 0110, Tract 0111, Tract 0112, Tract 0113, less Blocks 101 and 120, Tract 0114, Tract 0115, less Block Group 1,

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Tract 0121, Blocks 105-108, 110, 112-120, 211-225 and 238; Brookwood Division.

House District 48 shall consist of: All of Bibb County. Tuscaloosa County; Abernant Division; Coaling-Vance Division, Tract 0108, Block Group 2, except Blocks 203 and 235, Block Group 4, Blocks 301-311, and Block 340, Tract 0121, Blocks 101-104, 226-234, 109, 122-130, 133, 202 and 204-210, Tract 0122, Tract 0123, less Blocks 221-225 and 229 in the Remainder of the Tuscaloosa Division.

House District 49 shall consist of: In Jefferson County: Tract 0129.04, Block Group 9, Blocks 906-909. In Shelby County: Tract 0303.01, Tract 0303.02, Tract 0304.01, Tract 0304.02: Enumeration District 21, Tract 0306.01, Tract 0306.02, except Enumeration District 14.

House District 50 shall consist of: In Jefferson County: Tract 0141.03: All Block Group 1, except Blocks 101, 102 and 114, Tract 0141.02, less Enumeration District 120, Tract 0141.05, Tract 0104.02, Tract 0143.01, Block Group 4, Tract 0142.03, Tract 0142.02, Tract 0142.04, Tract 0144.03, Tract 0140, less Block Group 1, Tract 0144.02, less Block Group 4 and less Block Group 8, Blocks 801-805, 807-815, 818, 829-830, and 833, Tract 0143.02, Block Group 1, less Blocks 101-103 and 105, Block Group 2, less Block 208, Block Group 3, less Blocks 308, 338-344, Block Group 9, less Blocks 903-905 and 910.

House District 51 shall consist of: In Jefferson County: Tract 0129.03, Tract 0129.02, Tract 0129.01, less Block Group 2, Tract 0129.04, less Block Group 9, Blocks 906-909, Tract 0144.02: Block Group 4, Block Group 8, Blocks 801-805, 807-813, 815, 818, 829-830 and 833, Tract 0144.01, Block Group 3, Block Group 2.

House District 52 shall consist of: In Jefferson County: Tract 0110, Tract 0127.02. In Shelby County: Tract 0301, Tract 0302, Tract 0305, Tract 0306.02, Enumeration District 14 only, Tract 0307.01, Tract 0307.02, Tract 0308. In Talladega County: In Sylacauga Division: Enumeration District 699A.

House District 53 shall consist of: All of Chilton County. In Shelby County: Enumeration District 15, Enumeration District 16, Enumeration District 17, Enumeration District 18, Enumeration District 20.

House District 54 shall consist of: Coosa County (all). In Talladega County: All Sylacauga Division except: Enumeration District 699A; Sycamore-Winterboro Division.

House District 55 shall consist of: In Talladega County: Childersburg Division; Renfore-Lanier Division; Talladega Division; In Lincoln-Eastaboga Division: Enumeration District 656A.

House District 56 shall consist of: In St. Clair County: All of St. Clair County except: In the Springville Division, Town of Springville, Enumeration District 859, Enumeration District 860 and in the Remainder of Springville Division, Enumeration District 865.

House District 57 shall consist of: In Calhoun County: All of Census Tracts 18, 21, 22, 23, 24, and that part of Census Tract 25 not included in Blocks 210, 211, 333, 334, 335, 336, 337, and 338. Census Tract 20, less Block Groups 2 and 3.

House District 58 shall consist of: In Calhoun County: Census Place 1325 and 0200 of the Anniston Division; And In the remainder of the Anniston

Division (Census Place 9999) Tract 1p, 4p, 5p, 6p, 11p, 12p; and All of Census Tracts 13, 15, 16, 17 and only that part of Census Tract 25 included in Blocks 210, 211, 333, 334, 335, 336, 337, and 338. Tract 0001 (city part), Tract 0004, less Block Group 4, Block Group 6 and Block 550, Tract 0014, less Block Group 1.

House District 59 shall consist of: In Calhoun County: All of Anniston City except that part in Tract 1, In Tract 4 in the Remainder of Anniston Division, Block Group 4, Block Group 6 and Block 550, In Tract 14 in the Remainder of Anniston Division, Block Group 1, Tract 19 in the Remainder of Anniston Division, In Tract 20 of the Choccoloco Division, Block Group 2 and Block Group 3.

House District 60 shall consist of: Clay County. Cleburne County. Munford Division of Talladega County. All of Lincoln-Eastaboga Division of Talladega County, except Enumeration District 656A. Calhoun County; Ohatchee Division.

House District 61 shall consist of: All of Randolph County. In Chambers County: All of the Five Points Division; All of the Milltown Division; All of the Lanett Division; Only E. D. 108 of the LaFayette Division.

House District 62 shall consist of: All of Tallapoosa County not included in E. D. 185 and E. D. 187 of the Camp Hill Division.

House District 63 shall consist of: In Chambers County: In Remainder of LaFayette Division: Enumeration District 107; The Waverly Division. In Tallapoosa County: In Camp Hill Division: Enumeration District 185, Enumeration District 187. In Lee County: All of the City of Auburn, except Tract 0405p of the Auburn-Opelika Division, In remainder of Auburn-Opelika Division: Tract 0404p, Block Group 4, Blocks 404 and 405, Tract 0406p, Tract 0409p, Tract 0411p, Tract 0412p of Enumeration District 529; All of Loachapoka-Roxana Division except Tract 0410, Block 215.

House District 64 shall consist of: In Chambers County: All Lafayette City in Lafayette Division; Enumeration District 109 of Lafayette Division; All Langdale Division. In Lee County: Beulah Division; In Auburn-Opelika Division, Block Groups 1, 2, 3(p) and 4 of Tract 0411(p) in City of Opelika, Tract 0412(p) of City of Opelika, Tract 0413, Tract 0414, Block Group 2, Blocks 205-215, In Tract 417: Block Group 1, Block Group 2, Block Group 3, Blocks 323 and 326, Blocks 315-317, 324 and 325 in City of Opelika; In Remainder of Auburn-Opelika Division, In Tract 0412: Blocks 101 through 109 of Block Group 1.

House District 65 shall consist of: All of Russell County except Phenix City Division. In Lee County: In Auburn-Opelika Division: Auburn City: Tract 0405(p) Opelika City: Tract 0405(p) All of Tract 0414 except Blocks 205-215, All of Tract 0415, All of Tract 0416, In Tract 0417(p): Block Group 3, except Blocks 315, 316, 317, 324p and 325p, In Remainder of Auburn-Opelika Division: Tract 0404p, less Blocks 404 and 405, Tract 0405p, Tract 0417p, Block Group 3, less Blocks 323 and 326; All of Beauregard-Marvin Division; All of Smiths-Salem Division; In Loachapoka-Roxana Division, Tract 0410, Block 215.

House District 66 shall consist of: In Russell County: All of Phenix City Division.

House District 67 shall consist of: All of Bullock County. All of Macon County.

House District 68 shall consist of: Pike County. In Barbour County: Louisville Division; Clayton Division; Eufaula Division, remainder, Enumeration District 325, Enumeration District 326A, Enumeration District 327A.

House District 69 shall consist of: In Barbour County: Clio Division. In Henry County: Abbeville Division. In Dale County: Ozark Division; Echo Division, Enumeration District 650; Fort Rucker Division, remainder, Enumeration District 667, Enumeration District 668.

House District 70 shall consist of: In Barbour County: All of Eufaula Division, except Enumeration District 325, Enumeration District 326A, Enumeration District 327A in remainder of Eufaula Division; All of Bakerhill Division. In Henry County: All of Shorterville Division; All of Haleburg Division; All of Headland-Newville Division. In Houston County: Tract 0416, Tract 0417, Tract 0419, Enumeration District 764 in remainder of Gordon Division, Tract 0418p in Gordon Division (Town of Gordon).

House District 71 shall consist of: In Houston County: Tract 0402, less Block Groups 1-4 and 9 and Blocks 601-603, 609-615, 617-620, 632-633, Tract 0404, Tract 0414p, Block Groups 3 and 4, Tract 0405, Tract 0406, Tract 0407, Tract 0408, except Taylor town, Block Group 1 (outside city) and Blocks 205-208, Tract 0410, Tract 0411, Tract 0412, Tract 0413, Tract 0415, Blocks 404-419, 422, 423, 431-434, 634, 714-730. Block Group 5, Tract 0414, Block Groups 1 and 2.

House District 72 shall consist of: In Dale County: Daleville Division; Newton-Midland City Division, Enumeration District 669, Enumeration District 666 of Fort Rucker Division, Enumeration District 651 and Enumeration District 652 of the Echo Division, Enumeration District 664 of remainder of Newton-Midland City Division. In Houston County: Tract 0401, Tract 0403, Tract 0402: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 9, Block Group 6, Blocks 601-603, 609-615, 617-620, 632 and 633, Tract 0408: Block Group 1 (outside city), Blocks 205-208, Tract 0415, less Blocks 404-419, 422, 423, 431-434, 634 and 714-730 and Block Group 5.

House District 73 shall consist of: In Coffee County: Enumeration District 264, Enumeration District 267. Geneva County. In Houston County: Madrid Division; Cottonwood Division; In Remainder of Gordon Division: Enumeration District 765, Dothan Division, Tract 0409, Tract 0408 Taylor town only.

House District 74 shall consist of: All of Coffee County except: Enumeration District 264, Enumeration District 267.

House District 75 shall consist of: All of Covington County.

House District 76 shall consist of: In Elmore County: The Tallassee Division; The Eclectic Division; The Wetumpka Division; The Titus Division; The Elmore Division, except Block Group 1 of Tract 0104p in the Prattville City part, the remainder of Elmore Division Tract 0104p Block Group 1 and Enumeration District 976.

House District 77 shall consist of: In Montgomery County: Montgomery Division, Tract 0001, Tract 0002, Tract 0003, Tract 0004, Blocks 114, 201, 202, 407, 408, 410-414 and 501-512, Block Group 6, 7, 8, Tract 0006, Tract 0007, Block 204, Tract 0012, Block 515, Tract 0015, Block Group 5, Block Group 7, Block Group 2, Blocks 106, 107, 111-122, 124, 301-315, 317-321, 401-406, 409, 410, 416-417, 419, 450 and 451, Tract 0051.01, Blocks 913, 928,

929, 932, 935, 936, 940, 941, 951, 955, 958, 960, 961, 963, 964, 965, 966, 968, 969, 971, 973, 989, 801, 802, 904, 910, 911, 912, 927, 942, 959, Tract 0051.02, Tract 0051.03, Tract 0011, Block Groups 1, 5, 7 and 8, Blocks 201, 203, 204, 205, 209, 210, 211, 212, 215, 222, 225, 604, 605, 615, 625, 626, 628, 629, 632, 634, Tract 0053.01, Tract 0025.

House District 78 shall consist of: In Montgomery County: Ramer Division; Pike Road Division; Pine Level Division; Mt. Meigs Division; Hope Hull Division: Tract 0059.01, Blocks 101-103, 110, 111p and 909p, Enumeration District 1031A, Enumeration District 1033T; Montgomery Division, Tract 0029, Tract 0032, Tract 0051.01, Blocks 945, 943, 962p, 949, Tract 0054.01, Tract 0056.02, Tract 0054.03, Tract 0054.04, Tract 0054.05, Tract 0056.03, except Blocks 902, 903, 945, 946, 947, 948, 949, 950, 951; In Remainder of Montgomery Division, Tract 0056.03p.

House District 79 shall consist of: In Montgomery County: Montgomery Division, Tract 0004, Block Group 3, Blocks 106, 103, 105, 113, 117, 109, 118, 102, 101, 209, 210, 208, 211, 207, 205, 206, 115, 112, 111, 212, 213, 204, Tract 0016, Tract 0017, Tract 0027, Tract 0026, Tract 0005, Tract 0019, Tract 0018, Tract 0053.02, Tract 0054.02.

House District 80 shall consist of: In Montgomery County: Tract 0011, Block 601, Block Group 3, less Blocks 302-303 and 330, Block Group 4, less Blocks 412-419, Tract 0010, Tract 0013, Block Group 2, Blocks 111-114, 301, 308-309, Tract 0022, Blocks 301-311, 403, 405-411, 422, 601-608, 701-710 and 903, Block Group 5, Block Group 8, Block Group 1, Block Group 2, Tract 0023, Block Group 1, less Blocks 101, 106-107, Block Group 2, 3, 5, Blocks 401-407, 409-416, 418, Tract 0024, Tract 0060.01, Block Group 1, 2, Blocks 901-924, 930, 931, 988, 989, Tract 0009, Tract 0030.

House District 81 shall consist of: In Montgomery County: Montgomery Division, Tract 0007, Block Group 1, 5, 6, 7, Block Group 2, Blocks 201-203, 205-207, Block Group 3, Blocks 301-308, Block Group 4, Blocks 401-408, Tract 0012, Block Groups 1-4, 6-8, Block Group 5, Blocks 501-502, 504, 505, 507-509, 515, 516, Tract 0013, Block Group 1, less Blocks 111-114, Blocks 402, 403, 405, 415, 401, 406, 407, 408, 409, 410, 411, 302-307, 310-315, Tract 0015, Block Group 1, less Blocks 106-107, 111-122 and 124, Tract 0011, Blocks 216-220, 224, 302-303, 330, 412-419, Tract 0023, Blocks 101, 106-107, Tract 0020, Tract 0021, Tract 0028, Tract 0033, Tract 0031, Tract 0014, Tract 0056.03, Blocks 902, 903, 945, 946, 947, 948, 949, 950 and 951.

House District 82 shall consist of: In Autauga County: Billingsley Division; Prattville Division; Marbury Division. In Elmore County: Deatsville Division; Elmore Division, Block Group 1 of Tract 0104p in the Prattville City part, Enumeration District 976, The Remainder of Elmore Division, Tract 0104p, Block Group 1.

House District 83 shall consist of: Wilcox County, less the Alberta Division and less Enumeration District 32. Lowndes County. Montgomery County; Montgomery Division, Tract 0060.02, Tract 0060.01, less Block Group 1 and Block Group 2, and Blocks 901-924, 930-931, 988, 989; Hope Hull Division, Tract 0059.02, Tract 0059.01, less Blocks 101-103, 111p, 909p, and Enumeration Districts 1031A and 1033T. In Dallas County: Enumeration Districts 59 and 60.

House District 84 shall consist of: Butler County. Crenshaw County.

House District 85 shall consist of: In Dallas County: City of Selma, Enumeration District 52-U, Enumeration District 52-V, Enumeration

District 51, Enumeration District 50, Enumeration District 52-T. In Autauga County: Autaugaville Division.

House District 86 shall consist of: All of Perry County. In Dallas County: Enumeration District 55, Enumeration District 69, Enumeration District 53, Enumeration District M-62, Enumeration District 61, Enumeration District 67, Enumeration District 66, Enumeration District 68, Enumeration District 54, Enumeration District 58, Enumeration District 57, Enumeration District 65, Enumeration District 63, Enumeration District 56-A, Enumeration District 56-B, Town of Orrville. In Wilcox County: Alberta Division, Enumeration District 32.

House District 87 shall consist of: All of Marengo County. In Hale County: River Bend Division; Prairie Eden-Newbern Division; Greensboro Division; Mt. Herman Valley Division; Sawyerville Division.

House District 88 shall consist of: In Greene County, Except Boligee Division and Enumeration District 185 and 188 of the Forkland-Tishabee Division. Pickens County, Aliceville Division, Carrollton Division, Ethelsville Division, Raleigh Division. Hale County, Moundville Division, Stewart-Akrón Division. Tuscaloosa County: Fosters Division, Big Sandy-Duncanville Division, Tract 0125, less Block Group 1 in Tuscaloosa City part, and less Blocks 102, 105p, 107, 111, 112 and 123 in the Remainder of the Tuscaloosa Division.

House District 89 consist of: Tuscaloosa County; Coker Division; Elrod-Moore's Bridge Division, Samantha Division, Windham Springs Division less Tuscaloosa City part, Tract 0104.01; Tuscaloosa Division part of Tract 0102. Pickens County; Gordo Division, Reform Division.

House District 90 shall consist of: Sumter County, Choctaw County, Greene County, Boligee Division, Forkland-Tishabee Division, ED 185 and 188.

House District 91 shall consist of: In Escambia County.

House District 92 shall consist of: Clarke County. In Baldwin County: Stockton Division. In Washington County: Millry Division, except Enumeration District 126T; In Remainder of Chatom Division, Enumeration District 129; In Wagarville Division, Enumeration District 130.

House District 93 shall consist of: In Conecuh County. Monroe County.

House District 94 shall consist of: In Baldwin County: Foley Division, Fairhope Division, All of the Daphne Division except Blocks 101 thru 154; 156 thru 159; 197, 198, 199; 209 thru 223, in the remainder of Daphne Division.

House District 95 shall consist of: In Baldwin County: Bay Minette Division, Elberta Division, Summerdale Division, All of Robertsedale Division; Remainder of Daphne Division, Blocks 101 thru 154, 156 thru 159, 197, 198, 199, 209 thru 223, in the remainder of Daphne Division.

House District 96 shall consist of: In Washington County: Enumeration District 127, Enumeration District 128, Enumeration District 126T, Enumeration District 131, Enumeration District 132, Enumeration District 133, Enumeration District 134, Enumeration District 135, Enumeration District 136. In Mobile County: In Citronelle Division: In Tract 0059: Enumeration District 532, Enumeration District 533A, Enumeration District 533B, Tract 0060; Remainder Mobile Division, In Tract 0061p: Blocks 810, 811,

812, 813, 814, Enumeration District 571; Remainder Mobile Division of Tract 0034.03: (Partial), Block Group 4, Block 504, Block 510p, Blocks 901, 905, 906; In Semmes Division: In Tract 0062: Enumeration District 535, Enumeration District 536, Enumeration District 534, Tract 0063; In Tanner-Williams Division of Tract 0064: Block Group 1, Block Group 2, Blocks 301-307, Block 319, 320, 322, 323, Block Group 4, Block 901, 906, Blocks 801-819, Block 821, 822, 823, 843, 846, 849.

House District 97 shall consist of: In Mobile County: Mobile City: Tract 0038.02p, Tract 0052p; Mobile Division: Tract 0038.02p, Tract 0038.99, Tract 0052p, Tract 0053p, Tract 0054p, Tract 0056p, Tract 0057p, Creola Town: Tract 0038.02p, Tract 0057p, Chickasaw City: Tract 0038.02p, Tract 0050p, Tract 0051, Tract 0052, Tract 0053p, Tract 0054p, Saraland City: Tract 0038.02p, Tract 0054p, Tract 0055, Tract 0056p, Tract 0057p, (Block 924p, 923p, 988p, 922), Satsuma City: Tract 0056p, Tract 0057p; Mt. Vernon Division: Tract 0058: Enumeration Districts 525-529, Saraland City: Tract 0061p; Remainder of Mobile Division: Tract 0061p: Blocks 227, 801-809, 815-834, 901, 904-906, 912, 913p. 918, 919, 924, 944, 958, 964, 970, 972, 976, 978p, 979p, 980, 981, 982, 983.

House District 98 shall consist of: In Mobile County: Mobile Division: Mobile City: Tract 0026 (Partial), Blocks 101, 102, 115, 602, 604 and 605, Prichard City: Tract 0034.01p (Block 122), Tract 0034.02p, Mobile City: Tract 0039.01p, Prichard City: Tract 0039.01p, Mobile City: Tract 0039.02p, Prichard City: Tract 0039.02p, Prichard City: Tract 0050p, Tract 0040, Tract 0041, Tract 0042 (Partial), Block Group 1, Blocks 201-203, Blocks 210-219, Block Group 3, Mobile City: Tract 0045p, Blocks 101p, 124p, 125p, Prichard City: Tract 0045p, Tract 0046 (Partial), Block Group 1, Block Group 2, Tract 0047, Tract 0048, In Mobile City: Tract 0049p, In Prichard City: Tract 0049p, Tract 0061p.

House District 99 shall consist of: In Mobile County: Tract 0005 (Partial) (All except Block Group 3), Tract 0006, Tract 0007.01, Tract 0007.02, Tract 0008; In Remainder of Mobile Division: Tract 0043p, Tract 0012.01p, In Mobile Division: Mobile City: Tract 0012.01p, Prichard City: Tract 0012.01p, Mobile City: Tract 0026 (All except Blocks 101, 102, 115, 601, 604 and 605), Tract 0038.01, Prichard City: Tract 0042 (Partial), Blocks 204-209, Mobile City: Tract 0043p, Tract 0044p, Tract 0045p (Blocks 113p, 128p, 129p), Block Group 2p (Block 204p), Prichard City: Tract 0043p, Tract 0044p, Tract 0046 (Partial) (Block Group 3 only).

House District 100 shall consist of: In Mobile County: In Mobile Division: In Mobile City: Tract 0034.03, Tract 0034.04, Tract 0034.05 (Partial) (All except Block 133), Tract 0036.01, Tract 0036.02, Tract 0036.03, Tract 0037.01; In Tanner-Williams Division (Partial): Tract 0064, Blocks 308-318, Blocks 831-842, 844, 845, Block Group 9, Enumeration District 543, Enumeration District 542T, Enumeration District 542U, Blocks 847, 848, 850-856; In Remainder Mobile Division: Tract 0034.03, Blocks 501, 502, 503, Blocks 907, 908, 911, 914, 930.

House District 101 shall consist of: In Mobile County: In Mobile Division: In Mobile City: Tract 0031 (Partial), Block Group 1, Blocks 201, 202, 206-210, 220-222, 225-229 and 231, Block Group 3, Tract 0032.01, Tract 0032.02, Tract 0032.03 (Partial), Tract 0033.01, Tract 0033.02, Tract 0034.01, Tract 0034.02 (Mobile City only), Tract 0034.05 (Block 133 only), Tract 0034.06, Tract 0035.01, Tract 0035.02, Tract 0061p: Block 212p, Block 977p, Block 978p; In Remainder of Mobile Division: Tract 0061p: Block 212p, Block 213, Block 977p, Tract 0034.01p, Block 127p, Tract 0034.02p, Block 127p.

House District 102 shall consist of: In Mobile County: Tract 0009.01, less Block Groups 1 and 2, Tract 0009.02, Tract 0009.03, Tract 0014 (Blocks 501-512, 514 and 515 and Block Groups 4 and 6), Tract 0015.01, Tract 0023.01, less Blocks 304-306, 310 and 311, Tract 0023.02, Tract 0024, Tract 0025.01, Tract 0025.02, Tract 0027, Tract 0028, Tract 0029, Tract 0031 (Partial) (Block 101 only).

House District 103 shall consist of: In Mobile County: Tract 0001, Tract 0002, Tract 0003, Tract 0004.01, Tract 0004.02, Tract 0005 (Block Group 3 only), Tract 0009.01, Block Groups 1 and 2, Tract 0010.01, Tract 0010.02, Tract 0011, Tract 0012.02, Tract 0012.99, Tract 0013.01, Tract 0013.02, Tract 0014, less Blocks 501-512 and 514-515 and Block Groups 4 and 6, Tract 0015.02, Tract 0016, Tract 0017, Tract 0018 (Partial), Blocks 101, 102, 104-111, 112-114, 117-119 and 121-124, Tract 0019.01 (Blocks 101, 102 and 110), Tract 0019.02 (Partial), Blocks 101-116, Block 120, Block 121, Blocks 302-313.

House District 104 shall consist of: In Mobile County: In Mobile Division: In Mobile City: Tract 0018 (Partial), Block Group 2, Tract 0019.01 (Partial) (All except Blocks 101, 102 and 110), Tract 0019.02 (Partial), Block 117, Block Group 2, Blocks 314 and 315, Tract 0020, Tract 0021 (Partial): Blocks 101-109 and 112-118, Block Group 2, Block Group 3, Block Group 4, Tract 0022, Tract 0023.01, Blocks 304-306, 310 and 311, Tract 0030, Tract 0031 (Partial), Block Group 2, less Blocks 201, 202, 206-210, 220-222, 225-229 and 231, Tract 0037.02, Tract 0068p (Partial), Block Group 230p; In Mobile Division (Partial): Tract 0068: Block Group 1, Block Group 2, Block Group 3. In Mobile County: In Theodore Division: Tract 0069 (Partial): Blocks 125, 126, 151, 152, Tract 0070 (Partial), Block Group 1, except Blocks 137-140, Block Group 9, Tract 0071 (Partial): Enumeration District 557, Enumeration District 558, Enumeration District 559.

House District 105 shall consist of: In Mobile County: In Grand Bay Division: Tract 0065, Tract 0066, Tract 0067; In Thodore Division (Partial): Tract 0069 (Partial), Block Group 1, Minus Blocks 125, 126, 151, 152, Block Group 3, Block Group 2, Tract 0070 (Partial): Blocks 137-140, Tract 0071 (Partial): Block Group 1; In Bayou la Batre Division: Tract 0072.01, Tract 0072.02, Tract 0072.99, Tract 0073.

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each Senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

- District 1 House District Nos. 1, 2 and 3;
- District 2 House District Nos. 4, 5 and 6;
- District 3 House District Nos. 7, 8 and 9;
- District 4 House District Nos. 10, 11 and 12;
- District 5 House District Nos. 13, 14 and 15;
- District 6 House District Nos. 16, 17 and 18;
- District 7 House District Nos. 19, 20 and 21;
- District 8 House District Nos. 22, 23 and 24;

District 9 House District Nos. 25, 26 and 27;
District 10 House District Nos. 28, 29 and 30;
District 11 House District Nos. 31, 32 and 33;
District 12 House District Nos. 34, 35 and 36;
District 13 House District Nos. 37, 38 and 39;
District 14 House District Nos. 40, 41 and 42;
District 15 House District Nos. 43, 44 and 45;
District 16 House District Nos. 46, 47 and 48;
District 17 House District Nos. 49, 50 and 51;
District 18 House District Nos. 52, 53 and 54;
District 19 House District Nos. 55, 56 and 60;
District 20 House District Nos. 57, 58 and 59;
District 21 House District Nos. 61, 62 and 63;
District 22 House District Nos. 64, 65 and 66;
District 23 House District Nos. 67, 68 and 69;
District 24 House District Nos. 70, 71 and 72;
District 25 House District Nos. 73, 74 and 75;
District 26 House District Nos. 76, 77 and 78;
District 27 House District Nos. 79, 80 and 81;
District 28 House District Nos. 82, 83 and 84;
District 29 House District Nos. 85, 86 and 87;
District 30 House District Nos. 88, 89 and 90;
District 31 House District Nos. 91, 92 and 93;
District 32 House District Nos. 94, 95 and 97;
District 33 House District Nos. 102, 98 and 99;
District 34 House District Nos. 100, 101 and 96;
District 35 House District Nos. 103, 104 and 105.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed, and Act No. 81-1049, 1981 Second Special Session is hereby expressly repealed and shall have no other effect of law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1982, and until each house of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Parsons offered the following amendment to the substitute for the Bill, H. B. 19, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 19

Amend Section 2 which defines the Senate Districts, by deleting Senate Districts 4 and 5 as presently constituted and defined, and substituting in lieu thereof the following descriptions:

District 4. House District Nos. 11, 12 and 13.

District 5. House District Nos. 10, 14 and 15.

On motion of Mr. Proctor, said amendment was laid on the table.

And the substitute for the Bill, H. B. 19, was then adopted by the Senate.

Yeas 20; Nays 5.

Yeas:

Messrs.:	Harrison	Lemaster	Mitchem
Bailey	Higginbotham	Little	Proctor
Cook	Holmes	Martin	St. John
deGraffenried	Keener	McDonald	Smith
Denton	Kirkland	Miller	Teague (B)

—20

Nays: Messrs.: Figures, Hilliard, Parsons, Pearson and Weeks. —5

And said Bill, H. B. 19, as thus amended by the substitute, was read a third time at length and passed.

Yeas 21; Nays 5.

Yeas:

Messrs.:	Harrison	Little	Proctor
Bailey	Higginbotham	Martin	St. John
Callahan	Holmes	McDonald	Smith
Cook	Keener	Miller	Teague (B)
deGraffenried	Kirkland	Mitchem	Vacca
Denton	Lemaster		

—21

Nays: Messrs.: Figures, Hilliard, Parsons, Pearson and Weeks. —5

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. James D. Pruett to the Alabama Securities Commission.

On motion of Mr. Keener, the appointment of Mr. Pruett was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	St. John	
Bailey	Holmes	Miller	Smith	
Callahan	Keener	Mitchem	Teague (B)	
deGraffenried	Kirkland	Parsons	Vacca	
Harrison	Little	Robertson		—18

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Richard Markle and Dr. Claire B. Elliott to the Air Pollution Control Board.

On motion of Mr. McDonald, the appointment of Mr. Markle was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson	
Bailey	Higginbotham	Martin	St. John	
Callahan	Holmes	McDonald	Smith	
Cook	Keener	Miller	Teague (B)	
deGraffenried	Kirkland	Mitchem	Vacca	
Goodwin	Lemaster	Parsons		—22

Nays: —0

On motion of Mr. McDonald, the appointment of Dr. Elliott was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson	
Bailey	Higginbotham	Martin	St. John	
Callahan	Holmes	McDonald	Smith	
Cook	Keener	Miller	Teague (B)	
deGraffenried	Kirkland	Mitchem	Vacca	
Goodwin	Lemaster	Parsons		—22

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 19. NAMING THE AIRPORT IN MARION COUNTY, ALABAMA, IN MEMORY AND IN TRIBUTE TO THE HONORABLE RANKIN FITE.

Also:

H. J. R. 21. COMMENDING MRS. EUNICE MERRILL OF HUNTSVILLE, PROPRIETRESS OF ALABAMA'S LEGENDARY EUNICE'S COUNTRY KITCHEN.

Also:

H. J. R. 23. DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY".

Also:

H. J. R. 25. COMMENDING OFFICER IAN WILLIAM "JOHN" LAKE, DALEVILLE, ALABAMA.

On motion of Mr. McDonald, said Resolutions were concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Hilliard, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. COMMENDING MR. ANDREW TONEY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, Mr. Andrew Toney is a graduate of Glenn High School in Birmingham, Alabama, where he was a stand-out on the school's basketball varsity squad; and

WHEREAS, though recruited by Alabama Schools, he accepted a scholarship at Southwestern Louisiana University and was a starter in basketball all four years; and

WHEREAS, during his collegiate career, in 1979, SLU played in the National Invitational Tournament defeating the University of Alabama-Birmingham, which was coached by Gene Bartow, in the first game of the tournament; and

WHEREAS, also in 1979, Andrew Toney was a first-round draft choice of the Philadelphia 76'ers and this year the 1981-82 season, became known as the sixth man on the 76'ers coming off the bench to frequently score more than 30 points per game, helping to lead his team into the finals of the National Basketball Association Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Andrew Toney of Birmingham, Alabama, for outstanding achievement as a professional athlete with the Philadelphia 76'ers and direct that he receive a copy of this resolution in expression of our sincere pride and warm praise.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 27. COMMENDING MR. RICHARD GOODPASTURE, MANAGER, AND THE STAFF OF LAKE GUNTERSVILLE STATE LODGE.

Which was adopted.

Messrs. Hilliard, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. HONORING SENATOR J. RICHMOND PEARSON, A DISTINGUISHED ALABAMIAN.

WHEREAS, it is with great and personal pride that the Alabama Legislature notes the selection of our distinguished colleague, Senator Richmond Pearson of Birmingham, as Morehouse College "Alumnus of the Year"; and

WHEREAS, educated in the public schools of Birmingham and a graduate of that city's A. H. Parker High School, Senator Pearson holds an A.B. Degree awarded by Morehouse College and a Doctor of Jurisprudence which he earned at Howard University's College of Law; he is practicing attorney in Birmingham and was the former Assistant U.S. Attorney for the Northern District of Alabama during the administration of President Lyndon Johnson; and

WHEREAS, Senator Pearson, first elected in 1974, is serving his second term in the Alabama Senate, currently as chairman of the Finance and Taxation Committee and as such, the first Black ever to chair the major appropriation committee of any Senate in these United States; he also is a member of the Senate Rules Committee and of the Joint Senate Committee for Constitutional Revision; and

WHEREAS, during Senator Pearson's illustrious legislative tenure, he has played an instrumental role in the promotion of the cause of civil rights and in the enactment of positive legislation to the benefit of Alabama Blacks; he is responsible for an annual state appropriation of more than \$1 million for Tuskegee Institute, for tuition grants to students attending such private institutions as Miles, Stillman and Talladega Colleges, as well as for funds secured from Governor Fob James enabling Mrs. Wilder and Mrs. Bozeman to participate in Alabama's work release program; and

WHEREAS, he further was responsible for the recent rejection of Alabama's redistricting plan by the Justice Department which came about as a result of his leadership of our Legislature's Black Delegation which travelled to Washington in protest to the Department of the plan submitted for review; and

WHEREAS, Senator Pearson is also on the boards of Miles College, Tuskegee Institute, Alabama Goodwill and the Boy Scouts of America; he is a member of the National Association of Trial Lawyers of America, life member of Kappa Alpha Psi, a member of Sigma Pi Phi Boule, and is chairman of the Board of Trustees of Thirgood Memorial Christian Methodist Episcopal Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend our esteemed colleague, the Honorable J. Richmond Pearson of Birmingham, for extraordinary achievement, as Morehouse College "Alumnus of the Year" and for outstanding contributions to the State of Alabama.

BE IT FURTHER RESOLVED, That Senator Pearson be presented with a copy of this resolution in small token of our sincere praise and warm personal regard.

On motion of Mr. Hilliard, the rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 9. To provide that educational personnel may use their hospital medical insurance allotment for the purchase of dental insurance.

was read a third time at length and passed.

Yeas 21; Nays 1.

Yeas:

Messrs:	Higginbotham	Martin	Robertson
Bailey	Holmes	McDonald	St. John
Callahan	Keener	Miller	Smith
Cook	Kirkland	Mitchem	Teague (B)
Denton	Lemaster	Pearson	Vacca
Goodwin	Little		

—21

Nays: Mr. Weeks. —1

The Bill:

H. 6. To amend and re-enact Act No. 82-465, S. 353, 1982 Regular Session, which extensively amends Sections 40-18-5, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71 and 40-18-81, Code of Alabama 1975, relating to state income tax exemptions, exclusions, deductions for individuals, married persons, corporations and charitable entities, so as to further provide therefor and to make certain provisions conform to federal laws, and so as to correct a technical error.

was read a third time at length and passed.

Yeas 17; Nays 4.

Yeas:

Messrs.:	Denton	Little	Robertson
Bailey	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Smith
Cook	Keener	Mitchem	Vacca
deGraffenried	Lemaster		

—17

Nays: Messrs.: Holmes, Kirkland, Martin and Weeks. —4

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 9. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employees of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 9, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 9

A BILL
TO BE ENTITLED
AN ACT

To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase of \$1 per month for each year of creditable service attained by said member; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 shall receive an increase of \$.50 per month for each year of creditable service attained by said member. In addition to the foregoing amount an additional \$1 per month increase may be granted upon the occurrence of certain conditions set forth in Section 5 of this Act; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 may receive an additional \$.50 per month increase upon the occurrence of certain conditions pursuant to Section 5 of this Act. Effective October 1, 1983, the full increase of \$2 per month shall become effective and shall be funded pursuant to Section 5 of this Act; provided any person retired pursuant to Section 36-27-7, or 36-27-7.1 Code of Alabama 1975 shall receive an increase of \$1 per month, and said increase shall be funded pursuant to Section 5 of this Act.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby appropriated from the Special Educational Trust Fund to the Teachers' Retirement System of Alabama \$2,858,843. In addition to the foregoing amount it is the intent of the legislature that the sum of \$3,290,460, said amount being appropriated in excess of the required amount to fund the Teachers' Retirement System of Alabama for the 1981-82 fiscal year, be used to fund the provisions of this Act. It is further provided that any funds available from the earnings, assets or appropriations to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(b) There is hereby appropriated from the Special Educational Trust Fund to the Employees' Retirement System of Alabama \$49,750 for the fiscal year beginning October 1, 1982, or such amounts as are necessary to carry out the provisions of this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System. In addition, it is further provided that any funds available from the assets of or the appropriation to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 1. There is hereby appropriated from the General Fund to the Employees' Retirement System of Alabama \$1,462,030 for the fiscal year beginning October 1, 1982. In addition, it is further provided that any funds available from the earnings, assets or the appropriations to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of such employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent appropriations to the Teacher' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. It is the intent of the Legislature that the additional cost-of-living increase granted to certain retired persons under the provisions of this Act be financed, if possible, from existing funds of the Employees' Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If the regular Actuarial firm employed by the boards of control of the Employees' and Teachers' Retirement Systems finds that the authorized additional cost-of-living increase can be paid for the fiscal year 1982-83 from existing funds of the systems without having serious adverse impact actuarially on the retirement systems, the boards of control of the retirement systems are hereby authorized and instructed to pay such additional cost-of-living increase beginning October 1, 1982. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with Section 16-25-28, Code of Alabama 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1982, but meets the above condition when it is received during fiscal year 1982-83, then the cost-of-living increase shall be paid retroactively to October 1, 1982.

B. If the conditions in "A" above are not met, the full cost-of-living increase shall be paid beginning October 1, 1983, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions of Sections 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

Section 6. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this Act shall become effective October 1, 1982, following its passage by the Alabama Legislature and approval by the Governor or upon its otherwise becoming a law.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Harrison	Little	Robertson
Callahan	Higginbotham	Martin	St. John
Cook	Holmes	McDonald	Smith
deGraffenried	Keener	Miller	Teague (B)
Denton	Kirkland	Mitchem	Vacca

—23

Nays:

—1

BILLS ON THIRD READING RESUMED

The Bill:

H. 10. To authorize the Alabama State Docks Department to fund a retirement plan for various employees of the Alabama State Docks Department for which the Department is contractually obligated including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and a health insurance plan for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance solely from the

revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	St. John	
Bailey	Holmes	Martin	Smith	
Callahan	Keener	McDonald	Teague (B)	
Cook	Kirkland	Miller	Vacca	
Figures	Lemaster	Mitchem		—18

Nays: —0

The Bill:

H. 18. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

was taken up.

Mr. Parsons offered the following amendment to the Bill, H. B. 18, to-wit:

AMENDMENT TO H. B. 18

On page 6, lines 33, 34 and 35 delete the following language:

“whether votes in legislative races are to be cast on voting machines or on paper ballots, if”

and insert in lieu thereof the following language:

if additional voting machines shall be needed. When

On page 7, line 6, after the period delete the remainder of the page and on page 8, delete lines 4 through 19 in their entirety.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Robertson	
Cook	Hilliard	Miller	St. John	
Figures	Holmes	Mitchem	Smith	
Goodwin	Lemaster	Parsons	Teague (B)	
Gulledge	Little	Pearson	Vacca	—19

Nays: —0

And said Bill, H. B. 18, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Pearson
Cook	Higginbotham	Martin	Robertson
deGraffenried	Hilliard	McDonald	St. John
Figures	Holmes	Miller	Smith
Goodwin	Kirkland	Mitchem	Teague (B)
Gulledge	Lemaster	Parsons	Vacca

—23

Nays:

—0

RESOLUTIONS

Mr. Robertson offered the following Senate Resolution, to-wit:

S. R. 29. COMMENDING MRS. MERLE TILLERY.

Which was adopted.

Messrs. Parsons, Cook, Robertson, Kirkland, and Hilliard offered the following Senate Resolution, to-wit:

S. R. 30. DENOUNCING THE LETTING OF STEEL CONTRACTS WITH JAPANESE OR OTHER FOREIGN COMPANIES BY THE ALABAMA STATE DOCKS.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 19. NAMING THE AIRPORT IN MARION COUNTY, ALABAMA, IN MEMORY AND IN TRIBUTE TO THE HONORABLE RANKIN FITE.

Also:

H. J. R. 21. COMMENDING MRS. EUNICE JENKINS MERRILL OF HUNTSVILLE, PROPRIETRESS OF ALABAMA'S LEGENDARY EUNICE'S COUNTRY KITCHEN.

Also:

H. J. R. 23. DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

Also:

H. J. R. 25. COMMENDING OFFICER IAN WILLIAM "JOHN" LAKE, DALEVILLE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 6. To amend and re-enact Act No. 82-465, S. 353, 1982 Regular Session, which extensively amends Sections 40-18-5, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71 and 40-18-81, Code of Alabama 1975, relating to state income tax exemptions, exclusions, deductions for individuals, married persons, corporations and charitable entities, so as to further provide therefor and to make certain provisions conform to federal laws, and so as to correct a technical error.

Also:

H. 9. To provide that educational personnel may use their hospital medical insurance allotment for the purchase of dental insurance.

Also:

H. 10. To authorize the Alabama State Docks Department to fund a retirement plan for various employees of the Alabama State Docks Department for which the Department is contractually obligated including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and a health insurance plan

for the spouses and dependent children of such officers and employees, and to pay the premiums and costs of such life and health insurance solely from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Owens:

H. J. R. 35. SETTING MEETING DATE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Friday, May 28, 1982, they adjourn to meet again on Tuesday, June 1, 1982, at 4:00 p.m.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Messrs. Higginbotham and Miller offered the following amendment to the Resolution, H. J. R. 35, set out in the foregoing Message from the House, to-wit:

AMENDMENT TO H. J. R. 35

Amend H. J. R. 35 Page 1 by inserting after the words and figures 4:00 p.m., "providing however that the Legislature members, will not receive pay or expense paid money for any day of the current Special Session after May 28, 1982."

Mr. Kirkland moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

And on motion of Mr. Higginbotham, said Resolution, H. J. R. 32, as thus amended, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 30. To provide for an additional judgeship for the Thirty-Second Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Thirty-Second Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Thirty-Second Judicial Circuit.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. Proctor, the Senate adjourned until Tuesday, June 1, 1982, at 4 o'clock P.M.

SIXTH LEGISLATIVE DAY

TUESDAY, JUNE 1, 1982

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Reverend Hal E. McNeely, Assistant Minister, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Hall	McDonald	St. John
Bailey	Harrison	Miller	Smith
Cook	Higginbotham	Mitchem	Taylor
deGraffenried	Hilliard	Parsons	Teague (B)
Denton	Holmes	Pearson	Vacca
Figures	Kirkland	Proctor	Weeks
Goodwin	Lemaster	Robertson	White
Gulledge	Little		

—29

JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Britnell, Callahan, Glass, Keener, Martin, and Teague (J) for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 9. To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply

to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

Also:

S. 23. To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203 1975 Regular Session (Acts 1975, p. 1833).

Also:

S. 30. To provide for an additional judgeship for the Thirty-Second Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Thirty-Second Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Thirty-Second Circuit.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Messrs. Taylor, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullette, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 31. COMMENDING OUR FORMER COLLEAGUE, SENATOR W. G. "MAC" McCARLEY OF PRATTVILLE, ALABAMA.

Which was adopted.

Messrs. deGraffenried and Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. REQUESTING THE GOVERNORS OF ALABAMA, GEORGIA, MISSISSIPPI, FLORIDA, LOUISIANA, AND TENNESSEE TO

APPOINT TWO PERSONS EACH TO SERVE ON AN INTERSTATE COMMITTEE TO STUDY THE ISSUE OF NONRESIDENT HUNTING LICENSES.

WHEREAS, the recent increase in the cost of a nonresident hunting license in this state has become very controversial among hunters in neighboring states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby request the Governors of the States of Alabama, Georgia, Mississippi, Florida and Louisiana, and Tennessee to appoint two persons each to serve on an Interstate Committee to study the issue of nonresident hunting licenses in these states.

RESOLVED FURTHER, That the persons appointed to said committee by the Governor of Alabama shall furnish a report on the findings of this committee to the Legislature no later than the tenth legislative day of the 1983 regular session.

RESOLVED FURTHER, That a copy of this Resolution be sent to the Governor of each of the states named in this resolution.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Lemaster offered the following Senate Resolutions, to-wit:

S. R. 33. COMMENDING MISS ANGELA CARROLL BUCKNER FOR OUTSTANDING SCHOLARSHIP AND ATHLETIC ACHIEVEMENTS.

Also:

S. R. 34. COMMENDING HOLLICE SMITH, MANAGING EDITOR OF THE DAILY SENTINEL.

Also:

S. R. 35. COMMENDING JAMES K. HARKNESS, EDITOR AND PUBLISHER OF THE DAILY SENTINEL.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 13. To amend Section 5 of Act No. 135, enacted by the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as §40-7-25.2, Code of Alabama 1975, as amended, so as to extend, for the taxable year that began October 1, 1981, to not later than June 30, 1982, the period of time during which an owner of eligible taxable property may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING

The Bill:

H. 90. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Bailey	Harrison	Miller	Smith	
Cook	Hilliard	Mitchem	Taylor	
Denton	Holmes	Parsons	Vacca	
Figures	Kirkland	Pearson	Weeks	
Goodwin	Lemaster	Proctor	White	
Gulledge	Little			—25

Nays:

—0

The Bill:

H. 91. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Bailey	Harrison	Miller	Smith	
Cook	Hilliard	Mitchem	Taylor	
Denton	Holmes	Parsons	Vacca	
Figures	Kirkland	Pearson	Weeks	
Goodwin	Lemaster	Proctor	White	
Gulledge	Little			—25

Nays:

—0

The Bill:

H. 92. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Harrison	Lemaster
Bailey	Goodwin	Hilliard	Little
Cook	Gulledge	Holmes	McDonald
Denton	Hall	Kirkland	Miller

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Mitchem	Proctor	Taylor	Weeks	
Parsons	St. John	Vacca	White	
Pearson	Smith			—25
Nays:				—0

The Bill:

H. 94. To propose an amendment to the Constitution of 1901, to repeal Amendments No. 196, relating to costs and charges of courts and compensation of certain officers in St. Clair County.

was read a third time at length, as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Bailey	Harrison	Miller	Smith	
Cook	Hilliard	Mitchem	Taylor	
Denton	Holmes	Parsons	Vacca	
Figures	Kirkland	Pearson	Weeks	
Goodwin	Lemaster	Proctor	White	
Gulledge	Little			—25
Nays:				—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 13. To amend section 5 of Act No. 135, enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as §40-7-25.2, Code of Alabama 1975, as amended, so as to extend, for the taxable year that began October 1, 1981, to not later than June 30, 1982, the period of time during which an owner of eligible taxable property may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 18. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Cates, Ward and Bennett.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 18, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	McDonald	St. John	
Cook	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Goodwin				—20

Nays:

—0

And the President Pro Tem and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Kirkland, deGraffenried, and Denton.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 90. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 91. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 92. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 94. To propose an amendment to the Constitution of 1901, to repeal Amendment No. 196, relating to costs and charges of courts and compensation of certain officers in St. Clair County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 36. COMMENDING MR. LARRY PEDERSEN OF AUBURN FOR OUTSTANDING COMMUNITY SERVICE.

Which was adopted.

Mr. Gullede offered the following Senate Resolution, to-wit:

S. R. 37. HONORING MRS. ISLOE LAVADA BUSBY FAUST, BALDWIN COUNTY "CITIZEN OF THE YEAR."

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 38. CONGRATULATING AND COMMENDING MR. BILL SCHAUM OF WSFA-TELEVISION, CHANNEL 12, IN MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague (B), the Rules were suspended and the Resolution, H. J. R. 38, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 39. CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all state cafeterias. Such committee shall be composed of three members of the House of Representatives, to be

appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate. The chairman of the committee shall be chosen by the members.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed \$2,000.

The committee shall report its findings, recommendations and suggested legislation to the legislature by the third day of the Second Special Session of 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill 19 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
WILLIAMS JAMES SAMFORD, JR.,
Legal Advisor.

Done this 1st day of June, 1982.

To The House of Representatives of Alabama
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 19, without my approval and with the following suggested Executive Amendment:

Amend Section 1 of House Bill 19 as follows:

On page 11, House District 14, delete line 13 in its entirety and insert in lieu thereof the following language:

"305-11, 340-344, 346-349 and less Block 350 in the Remainder of the Kimberly-Morris Division"

On page 12, House District 15, delete line 19 in its entirety and insert in lieu thereof the following language:

"Blocks 305-311, 340-344, 346-349, and Block 350 in the Remainder of the Kimberly-Morris Division"

On page 17, House District 20, on line 30, insert the following language:

"Tract 108, Blocks 905, 906 and 907 (City Part)"

On page 18, House District 21, delete line 22 in its entirety.

On page 29, House District 36, line 27, insert the following language:

"Blocks 303-309, 313, 314, 316, 324-325, 343-344, 347"

On page 36, House District 43, on line 14, insert the following language:

"and less Blocks 307, 311 and 319"

On page 37, House District 44, on line 28 insert the following language:

"Blocks 307, 311 and 319"

On page 42, House District 50, line 9, delete the language "All" and insert in lieu thereof the following language:

"Less"

Also on page 42, on line 9, delete the word "except".

Also on page 42, on line 22, delete the following language:

"-830"

On page 43, House District 51, on line 15, delete the following language:

"-830"

On page 49, House Districts 57 and 58, lines 10 and 22, delete the following language:

", and 338."

On page 50, House District 59, on line 16, insert the following language:

"Tract 0010p in the Remainder of the Anniston Division."

On page 59, House District 72, delete line 14 and 15 in their entirety, and insert in lieu thereof the following language:

"Enumeration District 670 of the Fort Rucker Division"

"Newton Town of the Fort Rucker Division"

On page 63, House District 77, delete lines 16 and 17 in their entirety.

On page 67, House District 81, delete lines 22, 23 and 24 in their entirety.

On page 69, House District 83, delete lines 13 and 14 in their entirety. Also, on page 69, line 17, insert before the figures "111p" the following: "110"

On page 81, House District 97, line 18, delete the following language: ", 983"

On page 84, House District 99, line 23, strike the language "601" and insert in lieu thereof the following language: "602"

On page 86, House District 101, line 11, strike the language "Block Group 1" and insert in lieu thereof the following language: "Block Group 2"

Also on page 86, line 36, strike the language "127p" and insert in lieu thereof the following language: "122p"

On page 89, House District 104, line 17, strike the following language: "(Partial)"

The adoption of the above-suggested amendment will remove my objections to the bill.

Respectfully,

FOB JAMES,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 49, Nays 26.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 49, Nays 32.

And said Bill, H. 19, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Proctor, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 19, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 20; Nays 8.

Yeas:

Messrs.:
deGraffenried

Denton
Goodwin

Gulledge
Harrison

Higginbotham
Holmes

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Kirkland	Miller	Robertson	Teague (B)	
Lemaster	Mitchem	Smith	Vacca	
Little	Proctor	Taylor	White	
McDonald				—20

Nays:

Messrs.:	Hall	Parsons	St. John	
Cook	Hilliard	Pearson	Weeks	
Figures				—8

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 19, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 20; Nays 9.

Yeas:

Messrs.:	Harrison	Little	Robertson	
Bailey	Higginbotham	McDonald	Smith	
deGraffenried	Holmes	Miller	Taylor	
Denton	Kirkland	Mitchem	Teague (B)	
Goodwin	Lemaster	Proctor	Vacca	
Gulledge				—20

Nays:

Messrs.:	Hall	Pearson	Weeks	
Cook	Hilliard	St. John	White	
Figures	Parsons			—9

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 36. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, June 1, 1982, they adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 36, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 32. REQUESTING THE GOVERNORS OF ALABAMA, GEORGIA, MISSISSIPPI, FLORIDA, LOUISIANA AND TENNESSEE TO APPOINT TWO PERSONS EACH TO SERVE ON AN INTERSTATE COMMITTEE TO STUDY THE ISSUE OF NONRESIDENT HUNTING LICENSES.

Also:

S. J. R. 26. COMMENDING MR. ANDREW TONEY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

S. J. R. 28. HONORING SENATOR J. RICHMOND PEARSON, A DISTINGUISHED ALABAMIAN.

JOHN W. PEMBERTON,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 18. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

said Conference Report being in words and figures as follows:

CONFERENCE COMMITTEE REPORT

HOUSE BILL 18

We, the Committee on Conference, appointed to reconcile the differences between the two Houses concerning House Bill 18, have met, considered the matter, and agreed to the following report:

A copy of the bill as agreed upon by the members of the Committee on Conference is attached hereto.

JIM BENNETT,

ERIC CATES,

SHELBY DEAN WARD,

Conferees on the part of the House.

RYAN deGRAFFENRIED,

BOBBY DENTON,

REO KIRKLAND,

Conferees on the part of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

Be It Enacted by the Legislature of Alabama:

Section 1. Temporary Nature of Changes. The provisions of the act shall have effect only from June 7, 1982 through November 2, 1982. During this time period the provisions of this act shall take precedence over any contrary statutes governing elections. All provisions of this act are repealed effective November 3, 1983.

Section 2. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Precinct" refers to a precinct, ward, district, beat or any other subdivision within which votes are assigned to a single polling place.

(b) "List of registered voter" and "list of qualified electors" refer to the alphabetical list of voters that is prepared by the probate judge.

Section 3. Changing Precinct Lines. After June 7, 1982, precinct boundaries and voting places may be changed by the county commission (a) only for the purpose of aligning precincts with legislative districts and (b) not later than three weeks after approval by the U.S. Department of Justice of Alabama's legislative districts.

Section 4. Notification of Precinct Changes. Immediately upon changing precinct lines the county commission shall file descriptions of the precinct boundaries and polling places with the probate judge and the board of registrars. These descriptions may be in the form of maps. After approval of the changes by the U.S. Justice Department, the commission shall provide descriptions of the precincts and polling places to all television stations, radio stations, and newspapers having general coverage in the county. The commission shall cause to be printed maps of the county in sufficient detail to show the precinct lines and polling places. One such map shall be posted in at least one public place in each precinct. On the day immediately preceding the election the precinct map shall be published in a newspaper of general circulation in the county. The commission is authorized to spend county funds to mail notices of precinct changes to individual voters, but notification by mail is not required. However, if the affected voters are notified by mail, publication of precinct descriptions in a newspaper shall not be required.

Section 5. Filing and Certification of Candidates. The filing and certification deadlines for legislative candidates provided by § 17-16-11 are hereby extended as follows:

(a) The deadline for filing declarations of candidacy with the state party chairman is 5:00 p.m. one week after approval by the U.S. Justice Department of the state's legislative districts or July 9, whichever date is later.

(b) The state party chairman will certify the names of candidates to the secretary of state by 5:00 p.m. five days after the deadline for candidates to file or July 19, whichever is later.

(c) The secretary of state shall certify to the probate judge of each county in which the election is to be held the names of candidates not later than 5:00

p.m. five days after the deadline for receipt of certifications from the state party chairman or July 19, whichever date is later.

Section 6. List of Registered Voters. The boards of registrars are authorized to appoint special assistants who may serve without pay and whose only duty shall be to assist the board of registrars in checking and changing voters' precinct assignments.

The county commission shall provide clerical help for the purpose of checking and changing voters' precinct assignments.

The probate judge shall publish a list of qualified electors on or before the twentieth day preceding the regularly scheduled primary as provided by §17-4-129. In counties where precincts have been changed as a result of legislative redistricting and where the reassignment of voters is not complete at the time appointed for publishing the list of qualified electors, a list of all qualified voters in the county shall be published without the new precinct assignments.

If new precinct assignments are not completed by the time the probate judge must furnish a list of qualified electors to the absentee election manager as provided in §17-10-5, the probate judge shall furnish a list of all qualified voters in the county without the new precinct assignments. The absentee election manager shall, by reference to the map provided by the county commission, determine the legislative races for which the registrant is eligible to vote and shall send an appropriate ballot. The absentee ballot may be printed so as to contain all legislative races in the county, in which case the absentee election manager shall mark out those races in which the applicant is not eligible to vote. The absentee election manager shall record beside the voter's name on the list of registered voters the legislative district to which the voter was assigned. This list shall be returned to the probate judge after the election and preserved by him for use in the event of contest and for use by the board of registrars in updating their records.

Section 7. Session days for Registrars. In counties where legislative district lines are changed in 1982, the boards of registrars are hereby authorized to hold sessions every working day from June 7 to the date of the regularly scheduled primary in the fall, as necessary. The board shall be paid for these days as provided by §17-4-153 even though the number of days worked exceeds those authorized in §17-4-156.

Section 8. Polling Procedures in Counties Where Changes Cannot be Made in Time for Primary Election. If upon recommendation of the probate judge and the board of registrars the county commission determines that voters' precinct assignments cannot be changed in time for the regularly scheduled primary, the commission may by its own action authorize the election to be held under existing precinct lines, in which case the following additions and exceptions to polling places procedures shall apply in those precincts that are split by legislative district lines.

(a) Determining Voters' Legislative Districts. The addresses of voters may be printed on the list of registered voters. A list of registered voters may be printed before the close of registration so that the list can be marked to indicate each voter's legislative district. If such a list of registered voters is printed before the close of registration, a supplemental list shall be printed, if necessary, after the close of registration.

Each polling place shall be provided by the county commission with one or more precinct maps showing the new legislative lines. These maps shall be of sufficient detail, including street names, so as to permit quick location of

voters' residences. In addition to the poll workers now provided by law, map readers may be employed to determine at the polling place the legislative districts in which voters reside. The map readers shall be appointed by the county commission from recommendations submitted by the board of registrars and probate judge. The commission is not required to use the qualifications for poll workers in appointing map readers. Map readers may operate at a separate location within the polling place and shall provide to each voter who requests district identification a slip of paper indicating the legislative district in which the voter resides.

The voter's legislative district shall be recorded next to the voter's name on the list of registered voters when the voter's registration is checked, if the district has not been so recorded prior to election day. In the event of disagreement over the voter's proper legislative district, the voter shall be permitted to vote in the legislative district of his choice by means of a challenged ballot as now prescribed by law, in which case the word "challenged" and the legislative district shall be written next to the voter's name on the list of registered voters.

After the election list of registered voters shall be returned to the office of the probate judge where it shall be preserved for use in contests and pre-contest discovery and for use by the board of registrars to correct their records. Photo copies of the list of registered voters may be made for use by the board of registrars.

(b) Voting Mechanism. Where proper ballots are regularly used for election, the voters for legislative candidates shall also be cast on paper ballots under the procedures now prescribed by law. Where voting machines are regularly used, the county commission shall determine whether votes in legislative races are to be cast on voting machines or on paper ballots. If voting machines are used, a sufficient number of machines shall be obtained and set up so as to permit each voter in the precinct to vote in the legislative race for which he is eligible and only in the legislative race for which he is eligible. If paper ballots are used for legislative races where voting machines are used for other races, the following rules shall apply.

(1) A separate paper ballot shall be provided for each unique set of legislative races in which any voter in the precinct is eligible to vote.

(2) One ballot box of metal, wood, or cardboard shall be provided at each voting machine.

(3) Before the polls open the inspector at each machine, or the chief inspector where voting centers are used, shall designate one or more polling officials to initial the backs of paper ballots. These officials so designated shall record their initials on a sheet of paper which shall be returned with the paper ballots. These initials shall be shown to the clerk who operates each voting machine, and a copy of the initials may be provided to him.

(4) Each voter shall be given the appropriate paper ballot for his legislative district at the point where his name is checked on the list of registered voters. Each ballot given to a voter shall have on the back the initials of an election official as prescribed above.

(5) The voter shall complete the paper ballot in the voting machine booth, fold the ballot to conceal its contents, show the initials on the back of the ballot to the official tending the voting machine, and deposit the ballot in the ballot box. The official at the voting machine shall challenge any paper ballot that is not properly initialed.

(6) Paper ballots shall be counted after the polls close by the same officials who read and record the vote totals from the machines. The vote totals of the legislative race shall be recorded on the same statement of canvass with the votes of other races.

Section 9. The county is authorized to pay all actual and necessary expenses incurred in the implementation of the legislative redistricting plan adopted by the Alabama Legislature in 1982.

Section 10. The effective date of this act is June 7, 1982.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND CONFERENCE MESSAGE

Mr. deGraffenried moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 18, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Parsons offered a substitute motion that the Senate non-concur in said Conference Report, discharge the Conference Committee and appoint a new Conference Committee.

Mr. Proctor moved that said motion be laid on the table, which motion was lost.

And said substitute motion offered by Mr. Parsons was then lost.

Yeas 9; Nays 17.

Yeas:

Messrs.:	Hall	Pearson	Vacca	
Cook	Hilliard	Robertson	White	
Figures	Parsons			—9

Nays:

Messrs.:	Higginbotham	McDonald	St. John	
deGraffenried	Holmes	Miller	Smith	
Goodwin	Kirkland	Mitchem	Taylor	
Gulledge	Lemaster	Proctor	Teague (B)	
Harrison	Little			—17

The question was then on the motion of Mr. deGraffenried, which was adopted, and the Senate concurred in and adopted the Report of the Committee on Conference on the Bill, H. B. 18.

Yeas 15; Nays 9.

Yeas:

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Harrison	Little	Smith
deGraffenried	Holmes	Miller	Taylor
Goodwin	Kirkland	Mitchem	Teague (B)

—15

Nays:

Messrs.:	McDonald	Robertson	Vacca
Figures	Parsons	St. John	White
Hilliard	Pearson		

—9

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 38. CONGRATULATING AND COMMENDING MR. BILL SCHAUM OF WSFA-TELEVISION, CHANNEL 12, IN MONTGOMERY, ALABAMA.

Also:

H. J. R. 39. CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

Also:

H. J. R. 36. Relative to Sine Die Adjournment.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

Your Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 19. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 26. COMMENDING MR. ANDREW TONEY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

S. J. R. 32. REQUESTING THE GOVERNORS OF ALABAMA, GEORGIA, MISSISSIPPI, FLORIDA, LOUISIANA, AND TENNESSEE TO APPOINT TWO PERSONS EACH TO SERVE ON AN INTERSTATE COMMITTEE TO STUDY THE ISSUE OF NONRESIDENT HUNTING LICENSES.

Also:

S. J. R. 28. HONORING SENATOR J. RICHMOND PEARSON, A DISTINGUISHED ALABAMIAN.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 18. To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Sends Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 3

S. J. R. 4

S. J. R. 5

S. J. R. 6

S. J. R. 7

S. J. R. 8

S. J. R. 9

S. J. R. 10

Delivered to the Governor, May 27, 1982, at 4:15 P.M.

S. B. 2

S. B. 3

S. B. 4

S. B. 5

S. B. 6

S. J. R. 14

S. J. R. 18

S. J. R. 20

S. J. R. 21

S. J. R. 24

Delivered to the Governor, May 28, 1982, at 3:00 P.M.

S. B. 9

S. B. 23

S. B. 30

Delivered to the Governor, June 1, 1982, at 4:40 P.M.

S. B. 13

Delivered to the Governor, June 1, 1982, at 5:20 P.M.

S. J. R. 26

S. J. R. 32

S. J. R. 28

Delivered to the Governor, June 1, 1982, at 8:00 P.M.

McDOWELL LEE,
Secretary of the Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fifth and Sixth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Fifth and Sixth Legislative days were approved by the Senate.

ADJOURNMENT

At 7:30 P.M., on motion of Mr. deGraffenried, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/McDOWELL LEE,
Secretary of Senate.

IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE
FIRST EXTRAORDINARY SPECIAL SESSION
1982
LOBBYIST REGISTRATION

(In accordance with the provisions of Joint Rules of the two
houses of the Alabama Legislation, Rules 15-23)

Amos, Doug, Alabama League of Savings Association
Arrington, Richard H., Southern Railway Co.
Bailey, George F., Alabama Railroad Association
Brindley, Joe, University of Montevallo
Brown, David, C., University of North Alabama
Cobb, William J., South Central Bell
Crawford, Bobby J., Alabama Power Company
Dart, Thomas R., Alabama Petroleum Council
Dexter, Kendall, MacMillan-Bloedel, Inc.
Eader, Michael E., Alabama Association of School Boards
Gibson, Don, Troy State University
Grafteo, Michael G. (Mike), City of Birmingham
Grizanti, Vincent Arthur, Jr., Self
Hartsell, Charles Ray, Blue Cross Blue Shield of Alabama
Johnson, John B., Alabama Petroleum Council
Livingston, Edwin K., Alabama Tax Assessors and Collectors
McGregor, Tom, Alabama Gas Corporation
McRae, Randy, Jr., Alabama Chamber of Commerce
O'Connor, William F., Jr., Alabama Press Association
Pregno, Nanette, United Transportation Union
Richardson, E. Clark, Alabama Power Company
Rowe, Charlie, Jacksonville State University
Russell, Roy Otis, Alabama Concrete Industries, Inc.
Sharpless, Oscar, Association of County Commissions of Alabama
Smith, Marion Duncan, Self
Sorrrells, Reginald Lee, Association of County Commissions of Alabama

Spencer, Jerry, Modern Banking Association of Alabama
Spratt, Ronald Lee, City of Birmingham
Tye, Marvin F., Alabama Wildlife Federation
Wares, Margaret Bonds, Self

1982

George D. H. McMillan, Jr., *Lieutenant Governor* State Capitol, Montgomery
Finis St. John, *President Pro-Tem* Cullman
McDowell Lee, *Secretary* Montgomery
Mrs. William R. Lawley, Jr., *Chief Clerk* Montgomery
First Senatorial District
Bobby Denton 1st Colbert Nat'l. Bank, P. O. Drawer B,
Sheffield 35660
Second Senatorial District
Charlie Britnell Northwest Alabama State
Junior College, Phil Campbell 35851
Third Senatorial District
Charles B. Martin P. O. Box 2204, Decatur 35602
Fourth Senatorial District
Finis St. John P. O. Drawer K, Cullman 35055
Fifth Senatorial District
Robert (Bob) Hall 2601 Carson Road, Birmingham 35215
Sixth Senatorial District
Albert McDonald Route 1, Madison 35758
Seventh Senatorial District
Bill Smith 2009 Gallatin St. S.W., Huntsville 35801
Eighth Senatorial District
James Lemaster Route 2, Box 228, Scottsboro 35768
Ninth Senatorial District
Hinton Mitchem P. O. Box 297, Albertville 35950
Tenth Senatorial District
Larry H. Keener 816 Chestnut St., Gadsden 35901
Eleventh Senatorial District
Dewey White P. O. Box 7685A, Birmingham 35223
Twelfth Senatorial District
Paschal P. "Pat" Vacca 1617 Mountain Dr., Tarrant 35217
Thirteenth Senatorial District
J. Richmond Pearson Citizens Federal Building,
P. O. Box 11135, Birmingham 35202
Fourteenth Senatorial District
Mac Parsons 603 City Federal Building,
Birmingham 35203
Fifteenth Senatorial District
Earl F. Hilliard P. O. Box 11385, Birmingham 35202
Sixteenth Senatorial District
Ryan deGraffenried, Jr. P. O. Box 2427, Tuscaloosa 35401

Seventeenth Senatorial District

Doug Cook P. O. Box 6223-A, Tarrant 35217

Eighteenth Senatorial District

Lister Hill Proctor 121 North Norton Ave.,
Sylacauga 35150

Nineteenth Senatorial District

John A. Teague P. O. Box 427, Childersburg 35044

Twentieth Senatorial District

Donald G. Holmes 1915 Robinhood Dr.,
Oxford 36203

Twenty-first Senatorial District

T. D. "Ted" Little P. O. Box 342, Auburn 36830

Twenty-second Senatorial District

G. J. "Dutch" Higginbotham Troy State University,
Savage Drive, Phenix City 36867

Twenty-third Senatorial District

Mike Weeks P. O. Box 322, Troy 36081

Twenty-fourth Senatorial District

Chip Bailey P. O. Box 6791, Dothan 36302

Twenty-fifth Senatorial District

Wallace Miller 100½ No. Main, Enterprise 36330

Twenty-sixth Senatorial District

Don Harrison 516 S. Perry St., Montgomery 36104

Twenty-seventh Senatorial District

Barry Teague P.O. Box 586, Montgomery 36101

Twenty-eighth Senatorial District

Cordy Taylor P. O. Box 596, Prattville 36067

Twenty-ninth Senatorial District

Earl Goodwin Rt. 7, Box 488, Selma 36701

Thirtieth Senatorial District

Edward D. "Big Ed" Robertson P. O. Box 331, Northport 35476

Thirty-first Senatorial District

Reo Kirkland, Jr. P. O. Box 646, 102 St. Joseph,
Brewton 36426

Thirty-second Senatorial District

Robert I. "Bob" Gullede P. O. Drawer 3376,
Robertsdale 36567

Thirty-third Senatorial District

Michael A. Figures 1407 Davis Avenue, Mobile 36603

Thirty-fourth Senatorial District

H. L. "Sonny" Callahan P. O. Box 1208, Mobile 36601

Thirty-fifth Senatorial District

Bob Glass 733 Lakeshore Dr. W., Mobile 36609

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1982**

FINANCE AND TAXATION

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, Cook, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Taylor, Vacca.

RULES

McDonald, Chairman; Harrison, Vice-Chairman; Teague, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY

deGraffenried, Chairman; Figures, Vice-Chairman; Britnell, Cook, Harrison, Hilliard, Keener, Kirkland, Parsons, Proctor, Robertson, Teague (B), Teague (J), Vacca, White.

GOVERNMENTAL AFFAIRS

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Hilliard, Holmes, Lemaster, Parsons, Proctor.

AGRICULTURE, CONSERVATION AND FORESTRY

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Figures, Glass, Harrison, Hilliard, Little, Weeks.

EDUCATION

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Hilliard, Little, Taylor, White.

HEALTH AND WELFARE

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

BANKING AND INSURANCE

Bailey, Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague (B), Teague (J), Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague (J), Chairman; Callahan, Vice-Chairman; Goodwin, Keener, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Cook, Hilliard, Parsons, Pearson, Proctor, White.

STANDING COMMITTEE ASSIGNMENTS**FOR 1982****ALABAMA STATE SENATE****24th District**

CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

2nd District

CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

34th District

H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

17th District

DOUG COOK—Finance and Taxation; Judiciary; Governmental Affairs; Banking and Insurance; Local Legislation No. 2.

16th District

RYAN deGRAFFENRIED, JR.—Chairman, Judiciary; Health and Welfare; Local Legislation No. 1.

1st District

BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

33rd District

MICHAEL A. FIGURES—Vice-Chairman, Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

35th District

BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

29th District

EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

32nd District

ROBERT I. "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

5th District

ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

15th District

EARL F. HILLIARD—Judiciary; Education; Business and Labor Relations; Governmental Affairs; Local Legislation No. 2.

20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Commerce, Transportation and Utilities.

31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Local Legislation No. 2.

18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

27th District

BARRY TEAGUE—Judiciary; Governmental Affairs; Banking and Insurance

19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Rules; Banking and Insurance.

12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

11th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

HOUSE OF REPRESENTATIVES
FIRST EXTRAORDINARY SESSION, 1982
ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66	Roy W. Johnson, Jr., 47
H. H. "Bill" Adams, 30	Phillip "Phil" B. Kelley, 26
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
William Clark, 98	Arthur Payne, 15
Wayne Cobb, 5	Leigh Pegues, 86
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Steve Cooley, 10	T. Euclid Rains, Sr., 25
W. F. "Noopie" Cosby, Jr., 85	James E. Ray, 68
Bobby C. Crow, 58	Thomas Reed, 67
Gene Daniels, 73	Frank Riddick, 18
Gerald O. Dial, 60	Tommy Ed Roberts, 9
Larry D. Dixon, 81	J. Thomas Sandusky, 100
Bill Drinkard, 29	James G. Sasser, 69
William D. Edwards, 83	George Seibels, Jr., 32
Sundra E. Escott, 45	Cecil Shavers, 23
Joe M. Ford, 28	Wallace Shoemaker, 55
Robert C. "Bob" Gafford, 33	Curtis Smith, 53
Charles T. Gilmer, 6	James P. Smith, 17
J. W. "Joe" Goodwin, 4	Martha Jo Smith, 21
Richard Gregg, 19	Nelson R. Starkey, Jr., 2
George H. Grimsley, 70	George Stewart, 104
E. A. Grouby, Jr., 82	J. David Stout, 24
Albert Hall, 22	Hoyt W. Trammell, 36
Seth Hammett, 75	Jerome Tucker, 43
Owen Harper, 62	J. E. Turner, 96
Taylor F. Harper, 105	Pete Turnham, 63
A. L. "Tony" Harrison, 44	Jack B. Venable, 76
Bob Harvey, 27	J. T. "Jabo" Waggoner, Jr., 51
John E. Higginbotham, 1	Shelby Dean Ward, 64
L. Brooks Hines, 91	J. E. "Jimmy" Warren, 93
Jimmy W. Holley, 74	Charles W. Whatley, 65
Alvin Holmes, 80	R. Nolan Williams, 72
William Fred Horn, 39	Gerald Willis, 57
Asbury Howard, 49	Cecil Wyatt, 78
Ronald E. Jackson, 38	Mary S. Zoghby, 102
Ronald G. Johnson, 54	

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA**

1982

FIRST EXTRAORDINARY SESSION

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY
Speaker Pro-Tem, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	John E. Higginbotham	Rt. 11, Box 158, Florence 35630
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 1186, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling	Rt. 2, Box 349, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549

- 13 WALKER
Alvis Naramore 5th Avenue, 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT
Earl Cheatwood Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON
Arthur Payne 2825 2nd. St., N. W. Birmingham 35215
- 16 LIMESTONE
Tommy Carter Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON
James P. (Jim) Smith 108 South Side Square
Huntsville 35801
- 18 MADISON
Frank H. Riddick 7804 Lauderdale Rd., S. W.,
Huntsville 35802
- 19 MADISON
Richard Gregg 4007 Nelson Dr., Huntsville 35810
- 20 MADISON
Robert E. Albright 2024 Stanhope Dr., N. E.,
Huntsville 35811
- 21 MADISON
Martha Jo Smith 1700 Big Cove Rd., S. E.,
Huntsville 35801
- 22 MADISON, JACKSON
Albert Hall P. O. Box 275, Gurley 35748
- 23 JACKSON
Cecil Shavers Jackson County Court House,
Scottsboro 35768
- 24 JACKSON, DeKALB
J. David Stout P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL
T. Euclid Rains, Sr. Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL
Phillip B. (Phil) Kelley Rt. 2, Box 486,
Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL
Bob Harvey Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH
Joe Ford 117 1316 Kentucky Avenue, East Gadsden 35903
- 29 ETOWAH
Bill Drinkard P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE
H. H. (Bill) Adams Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON
W. J. (Bill) Cabaniss P. O. Box 57032,
Birmingham 35209

- 32 JEFFERSON
George G. Seibels, Jr. 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON
Robert C. (Bob) Gafford 5345 Division Ave.,
Birmingham 35212
- 34 JEFFERSON
John E. Amari 9636 Parkway E., Birmingham 35215
- 35 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON
Hoyt W. Trammell Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON
Jim Bennett Marshall, Bennett & Company
Suite 616, Woodward Bldg.,
1927 1st Ave. N., Birmingham 35203
- 38 JEFFERSON
Ronald E. Jackson 1324 Elmwood St.,
Birmingham 35211
- 39 JEFFERSON
William Fred Horn 333 16th Ave. S. W.,
Birmingham 35211
- 40 JEFFERSON
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- 54 COOSA, TALLADEGA
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- 55 TALLADEGA
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
SECOND
EXTRAORDINARY
SESSION OF 1982

HELD IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, JUNE 21, 1982



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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Montgomery, Alabama

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY
SESSION OF 1982

FIRST LEGISLATIVE DAY

MONDAY, JUNE 21, 1982

BE IT REMEMBERED, that on the 21st day of June, A. D., 1982, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V. Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 5:00 p.m., Monday, June 21, 1982, and I do hereby designate the following subjects and matters, which I as Governor deemed necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to revise the retirement benefits and rates of contribution for public employees in the Teachers Retirement System of Alabama ("TRS"), the Employees Retirement System of Alabama ("ERS") and the Judicial Retirement Fund of Alabama ("JRF").

2. Legislation to amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

3. Legislation to provide for a prayer that may be given in the public schools and educational institutions in the State.

4. Local legislation.

IN WITNESS THEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 15th day of June, 1982.

FOB JAMES,
Governor.

Pursuant to such proclamation, at the hour of 5 o'clock P.M. on Monday, June 21, 1982, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate has called to order by the Honorable George McMillan, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Lawson Bryan, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague (B)
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Kirkland	Proctor	

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LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass, Keener, Lemaster, Smith, and Teague (J) for today.

RESOLUTIONS

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. White, Kirkland, and Harrison.

Mr. St. John then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE CREATED TO ESCORT THE GOVERNOR TO THE JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on June 21, 1982, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding officer of the Senate appointed as members on part of the Senate Messrs. St. John, Pearson, and Britnell.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. DESIGNATING JULY 4, 1982, AS "BILL MONROE DAY" IN ALABAMA.

WHEREAS, country music and Grand Ole Opry star, Bill Monroe of the famous "Bill Monroe and the Bluegrass Boys," will be in Alabama for the big Stars and Stripes Bluegrass Festival July 2-5, 1982; and

WHEREAS, a virtuoso of the mandolin, Bill Monroe is known for such hit recordings as "Blue Moon Over Kentucky" and "Orange Blossom Special" among many, many others; and

WHEREAS, Bill Monroe is also known as the father of bluegrass, a form of music which originated in the United States and is the true American form of folk music combining mandolin, guitar, bass fiddle and fiddle and using no electrical amplification; and

WHEREAS, during Alabama's 4-day bluegrass festival, Mr. Monroe will perform two live shows on stage at Cathedral Caverns Bluegrass Park and will be recorded live by MCA Records; a number of bands from throughout the Southeast also will be performing during the festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to one of our nation's most outstanding bluegrass performers and in appreciation for his appearance at Alabama's Stars and Stripes Bluegrass Festival, we hereby designate July 4, 1982, as "Bill Monroe Day" in Alabama and direct that Mr. Monroe receive a copy of this resolution in token of our utmost praise and regard.

Which was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN

Mr. Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 22, 1982, at 2 o'clock P.M., which motion was adopted.

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1st Day

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Harrison:

S. 1. To amend Sections 11-88-3, 11-88-8, 11-88-11 and 11-88-21 of the Code of Alabama 1975 so as to make additional provisions respecting incorporation of authorities thereunder, to make certain provisions with respect to the interest and method and time of computing and paying interest on bonds, to specify the use of proceeds of bonds and the source of payment thereof, to exempt certain transactions from review or control by any other public agency and to provide that the provisions of this act are severable.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 2. To create one additional circuit judgeship for the Tenth Judicial Circuit of Alabama; to provide for the appointment of such judge, to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 24; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. St. John:

S. 3. To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate for its costs relative to the joint reapportionment committee and in payment of that certain court judgment rendered in the case of Beasley v. Gunter, et al., and costs relative thereto.

Committee on Finance and Taxation.

By Mr. White (with notice and proof):

S. 4. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 4, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

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By Mr. Figures (with notice and proof):

S. 5. Relating to the Mobile County civil service system; to amend Section XV of Act 470, H. 952, 1939 Regular Session (Acts of 1939, p. 298), as amended, so as to remove the reference to provisional appointments and to repeal Section XVIII of said act which provided for provisional appointments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. White:

S. 6. To make changes in the benefits available to public employees and relating to the Teachers Retirement System of Alabama ("TRS"), the Employees Retirement System of Alabama ("ERS") and the Judicial Retirement Fund of Alabama ("JRF"); to prescribe the rates of member contributions and benefit accruals under the "ERS", and "TRS" respecting persons who become members of each said retirement system, on or after October 1, 1982; to provide that any person who became a member of "ERS," or "TRS," prior to October 1, 1982, may irrevocably elect to withdraw all or a part of his accumulated contributions from his respective retirement system and participate commencing October 1, 1982, as a member who became a member of his respective retirement system on that date with all prior service credited as of October 1, 1982; to provide that the formula benefit for the prior service as of October 1, 1982, shall be determined by the amount of accumulated contributions that are withdrawn; To provide that members of the Judicial Retirement Fund shall contribute at the rate of 10%. To provide that the State will contribute to only one retirement plan for teachers and to provide for an optional retirement program where certain teachers may elect to participate in TIAA-CREF or other similar tax sheltered annuity program in lieu of participation in the "TRS". To provide that the employer may "pick-up" the member's contribution to his retirement system for income tax purposes. To provide for a procedure whereby if the appropriations contained in the General Appropriations Budget Act and Alabama Special Educational Trust Fund Budget Act for the fiscal year commencing October 1, 1982, are determined to be in excess of that required for proper funding of the "ERS", or "TRS" then, in that event, to reduce such appropriations respectively by such excess; and to re-appropriate such excess to the General Fund in the State Treasury so as to make such excess available to satisfy other appropriations therefrom; provided, however, that any excess funds from the "ASETF", or constitutionally dedicated trust funds shall return to the funds from which appropriated originally.

Committee on Finance and Taxation.

By Messrs. Goodwin, Robertson, McDonald, Parsons, Martin, Harrison, Denton, Kirkland, White and Teague (B):

S. 7. To make a supplemental appropriation to the Department of Education, Crippled Children Services Program, from the Alabama Special Education Trust Fund, for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Messrs. Callahan, Cook, Britnell, Higginbotham, Holmes, Miller, Taylor, Teague (B), Vacca and White:

S. 8. To provide for a prayer that may be given in the public schools and educational institutions of this state.

Committee on Education.

By Mr. deGraffenried:

S. 9. To amend Section 16-3-28 of the Code of Alabama of 1975, as amended, so as to authorize the state board of education and the other educational institutions to which said section applies to apply a portion of the principal proceeds of any securities issued pursuant to the provisions of said section to the establishment of a debt service reserve.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 10. To be known as the "Alabama Hospital Care Services Price Discrimination Act of 1982"; to make legislative findings regarding competition in the pricing of hospital services; to provide for definitions of words and phrases for the purposes of this Act; to provide for equitable pricing of hospital services; to provide that certain unjustifiable discounts in the pricing of hospital services shall be prohibited; to provide for legal remedies for violation of the provisions of this Act; and to amend Section 10-4-115, Code of Alabama, 1975, which relates to the applicability of insurance laws to Title 10, Chapter 4, Article 6, Code of Alabama, 1975, so as to provide that the provisions of this Act shall apply to such article.

Committee on Finance and Taxation.

By Mr. Kirkland (with notice and proof):

S. 11. Relating to Escambia County, to provide for an advisory referendum on the question of the method of electing members of the county commission.

Committee on Local Legislation No. 1:

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 11, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Bailey (with notice and proof):

S. 12. Relating to Houston County; to levy a one cent per gallon tax on the sale or delivery of gasoline or gasohol in the county; to authorize the license commissioner of the county to administer the act and promulgate necessary rules and regulations therefor; to provide for the distribution and use of the tax proceeds among the municipalities and the county; to provide for interest charges, late charges and fines for violations of the act and for the use of such charges and fines; to require licensing, bonding, record keeping and audits of distributors and others to which the tax applies; and to specifically repeal Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97), and all rules or regulations promulgated pursuant thereto.

Committee on Local Legislation No. 1.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 12 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Miller:

S. 13. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Goodwin, Cook, Robertson and Miller:

S. 14. To amend Section 40-9-19, Code of Alabama 1975, relating to homestead exemption from state ad valorem taxes, so as to provide further therefor; and to make the provisions retroactively effective.

Committee on Finance and Taxation.

By Messrs. Goodwin and Miller:

S. 15. To provide that if reappraisal tax revenue exceeds a certain percent, the county governing body shall adjust said tax rate.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 16. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. White:

S. 17. To designate the song "Alabama the Beautiful" as the folk song of Alabama.

Committee on Governmental Affairs.

By Messrs. Goodwin and Teague (J):

S. 18. To amend Section 32-9-25 of the Code of Alabama of 1975, which relates to length exemptions of certain motor vehicles, so as to provide that such vehicles hauling motor vehicles or motor vehicle bodies shall not exceed 65 feet in length.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Higginbotham:

S. 19. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

Committee on Education.

By Messrs. deGraffenried, Keener, Martin and St. John:

S. 20. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Committee on Judiciary.

By Messrs. deGraffenried, Keener, Martin and St. John:

S. 21. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

Committee on Judiciary.

By Messrs. deGraffenried, Keener, Martin and St. John:

S. 22. To provide for the issuance of special permits for the movement of certain types oversized loads over or on the highways of Alabama.

Committee on Commerce, Transportation,
and Utilities.

By Mr. White:

S. 23. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Committee on Education.

By Mr. Gullledge:

S. 24. To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Committee so as to increase said membership.

Committee on Finance and Taxation.

By Messrs. Harrison and Robertson:

S. 25. To amend Section 40-7-74 of the Code of Alabama 1975, so as to provide that the statewide property reappraisal program shall be administered by the local county tax assessors.

Committee on Finance and Taxation.

By Messrs. Harrison and Robertson:

S. 26. Providing further for a certain effective date for statewide reappraisal of real property for ad valorem tax purposes and prescribing certain limitations on certain valuations assigned to such property for such purposes.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 27. To amend Act No. 82-524 (Regular Session, 1982) to increase funds available and to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received.

Committee on Finance and Taxation.

By Messrs. Harrison and Robertson:

S. 28. Proposing an amendment to Section 56 of the State Constitution relating to immunity from arrest for members of the Legislature for certain offenses, so as to provide that legislative members would not be immune from arrest resulting from the offense of driving a motor vehicle while under the influence of alcohol, drugs, or controlled substances, or any other public offense committed within a moving motor vehicle.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Harrison and Robertson:

S. 29. Proposing an amendment to the Constitution of Alabama of 1901, placing certain limitations on real property ad valorem tax increases.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Denton and Holmes:

S. 30. To make a supplemental appropriation to the State Board For Registration of Architects from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Denton:

S. 31. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Committee on Governmental Affairs.

By Mr. Martin:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Martin:

S. 33. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Martin:

S. 34. To amend Section 40-9-12 and 40-23-5, Code of Alabama 1975, which relate to tax exemptions, so as to include Operation Home, Inc. of Decatur within the exemptions.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 35. To amend Section 13A-11-12, Code of Alabama 1975, relating to the crime of desecration of venerated objects, so as to further define such crime.

Committee on Judiciary.

By Mr. deGraffenried (By Request):

S. 36. To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 37. To amend §9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted, and to provide penalties for the violation thereof.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. deGraffenried:

S. 38. To amend §9-11-47, Code of Alabama 1975, as last amended, relating to nonresident all game hunt licenses and nonresident license application procedures, so as to eliminate the limit of three deer or two turkeys during the period of said license, and to amend §9-11-49, Code of Alabama 1975, as last amended, relating to nonresident trip all game hunt licenses, so as to provide that the expiration date of said license shall not apply to nonresidents who pay a fee to an authorized guide hunting service, to provide the authority to the Commissioner to establish rules and regulations setting out the requirements for approval as a guide hunting service, and to eliminate the limit of three deer or two turkeys during the period of said license.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Teague (B):

S. 39. To exempt the National Diabetic Association, Alabama Affiliate, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 40. To amend section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to provide for additional members and for their appointment and for the qualifications of the appointing authorities.

Committee on Education.

By Mr. Harrison:

S. 41. To amend Section 6-5-332 of the Code of Alabama, 1975, which limits the liability of certain "Good Samaritans" rendering aid at the scene of an accident so as to provide further for those included under such section.

Committee on Judiciary.

By Mr. St. John:

S. 42. To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until homestead is assigned.

Committee on Judiciary.

By Mr. Weeks:

S. 43. To amend Section 25-5-50, Code of Alabama 1975, so as to provide that corporate officers may elect to be exempt from coverage under Workmen's Compensation.

Committee on Business and Labor Relations.

By Mr. Pearson:

S. 44. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 45. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 46. To provide a supplemental appropriation from the General Fund in the amount of \$235,000.00, for the fiscal year ending September 30, 1982, for the Marine Resources Division of the Department of Conservation and Natural Resources, for operation, enforcement, and administrative expenses.

Committee on Finance and Taxation.

By Mr. Little:

S. 47. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Kirkland, St. John, and Robertson:

S. 48. To amend Section 36-27-45 of the Code of Alabama 1975, relating to state employees retirement allowance payments, so as to make certain beneficiaries receiving such payments eligible for certain increases in such payments on or after October 1, 1982.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 49. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Committee on Judiciary.

By Mr. Kirkland:

S. 50. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Committee on Judiciary.

By Mr. Kirkland:

S. 51. To amend Section 34-32-19, Code of Alabama 1975, which relates to a separate state fund for the state board of registration for professional soil classifiers, so as to provide for the annual automatic appropriation of such funds to the board for its use.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 52. To provide a procedure whereby certain local governing bodies in this state may withdraw, from a certain protest account in the state treasury, their shares of certain collected taxes or revenues while litigation is pending on the validity of the Acts which levied such taxes for such revenues.

Committee on Finance and Taxation.

By Mr. Proctor:

S. 53. To propose a constitutional amendment amending section 6.18 of Amendment No. 328 to the Constitution of Alabama so as to provide representation for district court judges on the court of the judiciary in certain cases.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mitchem:

S. 54. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Harrison:

S. 55. To provide certain additional powers and make provisions with respect to authorities organized pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975, and the counties that make findings with respect to the organization of such authorities, including the power to invest moneys of such an authority and apply or assign the income therefrom, to sell or lease all or any part of its systems or grant options to purchase with respect thereto, to loan or advance its moneys to finance the construction of a system or a part thereof, to exempt any system or facility leased or subleased to or operated or managed by any determining county, whether the lease or sublease be by such an authority or any private party, from all state, county and other taxes, including ad valorem taxes, regardless of the entity that shall hold legal title to such system or facility or any remainder or reversionary interest therein, to exempt any transaction to which any such authority or a determining county is a party from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975, to make certain provisions with respect to rendition of service to citizens of municipalities where no franchise has been granted, to authorize the issuance of temporary obligations by such an authority, to permit such counties to lease or sublease property from such an authority or its vendee or subleasee or lessee, and to manage and operate the same, and to provide that the provisions of this act are severable.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 56. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultry.

Committee on Agriculture, Conservation,
and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mitchem:

S. 57. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of

hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Harrison:

S. 58. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 so as to provide further for said licenses.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. White and Goodwin:

S. 59. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to allow substitution of proper shipping papers for the manifest to accompany bulk shipments by rail and water; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application, but limits the number of permits for commercial hazardous waste facilities and sites in any one county without legislative approval.

Committee on Health and Welfare.

By Messrs. Goodwin and Teague (J):

S. 60. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Committee on Governmental Affairs.

By Mr. Cook:

S. 61. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

Committee on Education.

By Messrs. Goodwin, Cook, Robertson and Higginbotham:

S. 62. To provide for the joinder of offenses, both misdemeanors and felonies in an indictment, information or complaint; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, except those charged with a capital felony offense may be charged in the same indictment, information or complaints; to provide the courts discretion to order charges tried together if the offenses or defendants' could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements when two or more defendants are tried jointly; and, to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975.

Committee on Judiciary.

By Mr. Kirkland:

S. 63. To provide for an additional circuit judgeship for the Twenty-First Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Twenty-First Judicial Circuit to two by amending Section 12-17-20, Code of Alabama 1975, as amended, and to provide for the funding of such additional circuit judgeship.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 64. To amend Section 16-46-3, Code of Alabama 1975, which provides for certain exemptions from the regulation of certain schools, so as to provide further for said exemptions.

Committee on Education.

By Mr. Pearson:

S. 65. To provide authorization to the Department of Conservation and Natural Resources' Parks Division and Marine Resources Division to spend, out of their respective funds, during the fiscal year ending September 30, 1982, the following amounts for the following purposes: (1) Parks Division—Such funds as are necessary for the maintenance, staff, and repair of the Governor's official beach mansion; (2) Marine Resources Division—Such funds as are necessary for Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing,

sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mitchem:

S. 67. To make a conditional appropriation for the payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency for the fiscal year ending September 30, 1983, from the General Fund of the State Treasury.

Committee on Finance and Taxation.

By Mr. Teague (B):

S. 68. To provide investigators for the Office of the District Attorney for the 15th Judicial Circuit; to provide for the salaries, other compensation and other benefits for the said investigators; to provide for job descriptions and classifications for said investigators; to provide for the duties, responsibilities and powers of same.

Committee on Finance and Taxation.

By Mr. Hilliard:

S. 69. To authorize municipalities incorporated in this state to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 70. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Jefferson County and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site, and industrial park, projects, said amendment to be effective only in such counties where approved by the voters thereof.

Committee on Governmental Affairs.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Hilliard:

S. 71. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of

the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act applicable to Class 1, 2 or 3 municipalities in the state and including projects providing hotel and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 72. To amend Section 11-52-3, Code of Alabama 1975, to provide for a supernumerary member to be named by the mayor or by a council member of any municipality in which such officer serves as a member of a municipal planning commission to act in his stead when such officer is not present.

Committee on Governmental Affairs.

By Mr. Denton:

S. 73. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of swine and swine products; to amend Section 2-8-51 of the Code of Alabama 1975, so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Callahan:

S. 74. To amend Section 24-1-22, Code of Alabama 1975, which provides for definitions for Article 1, Title 24, on municipal housing authorities, so as to further define the terms "city clerk and mayor."

Committee on Governmental Affairs.

By Mr. Little:

S. 75. To repeal Section 30-4-12, Code of Alabama 1975, relating to married women and alienation or mortgage of lands by wife and the concurrence by the spouse.

Committee on Judiciary.

By Mr. Little:

S. 76. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Committee on Governmental Affairs.

By Mr. Taylor:

S. 77. To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to grant franchises and regulate such franchises in certain counties; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Gulledge:

S. 78. To make a conditional appropriation to the Foreign Trade Relations Commission for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

RECESS

At 5:35 P.M., on motion of Mr. Goodwin, the Senate took a recess until 7 o'clock P.M., for the purpose of attending the Joint Session.

SECOND EXTRAORDINARY SESSION
1st Day

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JOINT SESSION

The hour of 6:30 P.M. having arrived, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable Fob James.

The Session was called to order by the President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the Chair and delivered his address to the Legislature of Alabama.

ADDRESS OF
GOVERNOR FOB JAMES
ON JUNE 21, 1982

The purpose of the Joint Session having been accomplished and in accordance with motion heretofore adopted, at 7 o'clock P.M., the Senate reassembled in the Senate Chamber, and was called to order by the Honorable George McMillan, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague (B)
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Hilliard	Parsons	Weeks
Denton	Holmes	Pearson	White
Figures	Kirkland	Proctor	

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RESOLUTIONS

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 4. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO PENDING S. B. 2 OF THE 1982 SECOND SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the important constitutional questions which have arisen concerning the pending S. B. 2 of the 1982 Second Special Session, which bill pertains, inter alia, to create one new judgeship in the Tenth Judicial Circuit. Copies of said bill are attached hereto and made a part hereof by reference.

1. Does S. B. 2 which provides for the creation of one circuit judgeship for the 10th Judicial Circuit (Jefferson County) and provides for direct appointment by the Governor of the judge to fill this position violate the provisions of Amendments 83 and 110 of the Constitution of Alabama of 1901, as amended, as such amendments relate to the method of filling judicial vacancies in said Circuit?

2. Does the word "vacancy" as used in S. B. 2 conform to the definition of a judicial vacancy as defined in Amendment 328 to the Constitution of Alabama in 1901, as amended?

RESOLVED FURTHER That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 2 to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Goodwin, Cook, and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. CALLING ON THE COUNTY TAX ASSESSORS THROUGHOUT THE STATE TO IMPLEMENT THE PROVISIONS OF "THE LID BILL" OF 1978 TO CURB INCREASES IN AD VALOREM TAXES ON REAL PROPERTY.

WHEREAS, the 1978 legislature had the wisdom and foresight to enact a "lid bill" which would place certain limitations on increases in ad valorem taxes on real property in this state; and

WHEREAS, property owners throughout Alabama are devastated daily upon receiving notices revealing astounding increases in the fair market values placed on their real properties for ad valorem tax purposes; and

WHEREAS, in these times of economic recession such impending increases in ad valorem taxes are having the affect of forcing property owners to sell even their homesteads to avoid having to pay such burdensome ad valorem taxes; and

WHEREAS, although the 1978 legislature made the language of the "lid bill" discretionary, they left little doubt that they intended for the several county tax assessors to implement its provisions regardless of the counties' needs for more revenues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call on the county tax assessors throughout the state to implement the provisions of "The Lid Bill" of 1978 to curb increases in ad valorem taxes on real property.

BE IT RESOLVED FURTHER, that a copy of this resolution shall be mailed by the Secretary of the Senate to every tax assessor in this state.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 6. COMMENDING MISS BERKLEIGH SMITH OF LILLIAN, BALDWIN COUNTY, ALABAMA, 1982 GIRLS STATE GOVERNOR.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration.

By Rep. Minus:

H. J. R. 6. HONORING MRS. PHYLLIS STEELE OF EPES, ALABAMA, ON THE OCCASION OF THE 100TH ANNIVERSARY OF HER BIRTH.

Also:

By Rep. McKee:

H. J. R. 7. MOURNING THE DEATH OF MRS. CHARLENE WALKER DIXON OF PROSSER, WASHINGTON.

Also:

By Reps. Buskey, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 9. MOURNING THE DEATH OF LEROY "SACHEL" PAIGE, LEGENDARY MEMBER OF THE BASEBALL HALL OF FAME AND A NATIVE OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 6, 7, and 9, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Letson:

H. J. R. 8. CREATING THE COMMITTEE ON THE BOARD OF CORRECTIONS CAPITAL OUTLAY.

WHEREAS, the Alabama Legislature has a responsibility to the citizens of this state to oversee the expenditure of public funds which the legislature appropriates to the Board of Corrections for the purchase of land, construction or improvements of prisons and prison or correctional related structures, and the equipping and furnishing of prisons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That (a) There is hereby created the Committee on the Board of Corrections Capital Outlay to consist of the Lieutenant Governor, Speaker of the House, Governor, Finance Director, the State Board of Corrections Officer, and six members each from the House of Representatives and Senate, appointed by the Speaker of the House and Lieutenant Governor, respectively. The members so appointed shall serve until their successors are appointed at the next regular session of the legislature following the regular session in which they were elected. Provided, however, that the present members of the Board of Corrections Capital Outlay Oversight Commission, created by Act 81-764, H. 823, 1981 Regular Session, shall serve as the original members of the committee until their terms of office expires;

(b) In the event of the death or resignation of any member appointed from the Senate or the House of Representatives his successor shall be appointed from the same body and such successor appointed to the vacancy shall serve for the unexpired term remaining of the member he was appointed to succeed. The original members shall serve until the end of their elected terms. Each subsequent appointment shall be for the full four-year legislative term. A chairman and vice chairman shall be elected from among its members. The Committee shall hold an organizational meeting at the state capitol within ten (10) days after the effective date of this act. Thereafter the Committee shall meet, from time to time, at the call of the chairman, vice chairman, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the Committee.

(c) The Committee shall adopt its own rules of procedure and transaction of business, except as otherwise herein provided.

BE IT FURTHER RESOLVED, That a majority of the members shall constitute a quorum for the purpose of transacting any business or the performance of any authorized duties. Each of the ex officio and appointed members shall have voting privileges.

RESOLVED FURTHER, That (a) the Committee shall approve and supervise any capital outlay or capital improvements and the expenditure of public money, from any source whatsoever, which is made by the Board of Corrections for the purchase of land, construction or improvements of prisons and prison or correctional related structures, and the equipping and furnishing of prisons;

(b) In addition to any and all other powers, the committee shall have powers to examine witnesses under oath and issue subpoena duces tecum, and shall have powers to punish for contempt or perjury, pertaining to the administration of said funds, awards and contracts and the expenditure of funds as hereinabove described;

(c) The Committee shall keep full and complete minutes in writing of its proceedings and every action taken shall be by written resolution;

(d) Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work. The Committee shall report of its findings, conclusions and recommendations to the legislature from time to time as necessary.

BE IT FURTHER RESOLVED, That each legislative member of the Committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting or conducts business of

the Committee which shall be paid out of any funds appropriated to the use of the legislature from any source whatsoever, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman of vice chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Messrs. deGraffenried, Bailey, Britnell, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 7. EXTENDING HAPPY BIRTHDAY WISHES TO OUR COLLEAGUE, SENATOR TED LITTLE OF AUBURN.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Zoghby, Warren and Johnson (R. G.).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. White, Kirkland, and Harrison.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on June 21, 1982 for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Representatives: Clark (G), Ward and Waggoner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John, Pearson, and Britnell.

RESOLUTIONS

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. PROVIDING FOR A JOINT MEETING OF THE HOUSE AND SENATE AS A COMMITTEE OF THE WHOLE TO DETERMINE THE EXTENT OF THE REPORTED FISCAL CRISIS IN THE STATE GENERAL FUND AND TO DETERMINE THE GENERAL FISCAL CONDITION OF THE STATE OF ALABAMA.

WHEREAS, a financial crisis of unknown proportion is reported to exist in the State's General Fund; and

WHEREAS, the crisis is reported to be of such magnitude as to prompt the finance director, while still only in the third quarter, to suspend all purchases and travel by state agencies on May 26, 1982; and

WHEREAS, the State Director of Finance, in his letter to all state agencies, suspended all authority for purchasing and advised that only "emergency requisitions which are absolutely essential" would be approved and "curtailed all out-of-state travel and reduced in-state travel as much as possible"; the Director of Finance stated that such move would certainly impact upon the various agencies but was necessary to protect the General Fund; and

WHEREAS, the State has most recently borrowed approximately one-half billion dollars; and

WHEREAS, a re-assessing of the priorities insofar as the expenditure of the approximately one-half billion dollars may be in order; and

WHEREAS, a more detailed accounting of state finances certainly is needed by the Legislature before this session be adjourned; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That following adjournment of the Legislature on the third legislative day, the House and Senate meet in joint session as a committee of the whole to consider the financial crisis in the State of Alabama. The Senate chairman of Finance and Taxation and the House chairman of Ways and Means shall serve as joint chairman.

RESOLVED FURTHER, That the Clerk of the House and the Secretary of the Senate schedule the appearances of the State Treasurer, the State Comptroller, the State Budget Officer, and the State Finance Director before the committee to give testimony relative to the financial condition of the State of Alabama.

RESOLVED FURTHER, That the committee shall meet from day to day until its work is completed.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gulledge then offered the following Senate Resolutions, to-wit:

S. R. 9. COMMENDING THE PLEASURE ISLAND SENIOR CITIZENS CLUB AT GULF SHORES, ALABAMA.

Also:

S. R. 10. COMMENDING MRS. IDA BLACKMAN CALLAWAY ON HER DISTINGUISHED CAREER WITH THE PUBLIC SCHOOLS OF BALDWIN COUNTY.

Which were adopted.

ADJOURNMENT

At 7:20 P.M., on motion of Mr. deGraffenried, in accordance with motion heretofore adopted, the Senate adjourned until Tuesday, June 22, 1982 at 2 o'clock P.M.

SECOND LEGISLATIVE DAY

TUESDAY, JUNE 22, 1982

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Reverend Wilbur Kissell, Assistant Pastor, Saint Peter's Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Parsons	Teague (B)
Cook	Hilliard	Pearson	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Kirkland	Robertson	White
Goodwin	Lemaster		

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JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Figures, Glass, Keener, McDonald, Mitchem, and Teague (J) for today.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the State Athletic Commission.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 22nd day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Bob Williams (reappointed), Terminex, P. O. Box 16667, Mobile, Alabama 36616, Term expires: May 24, 1986

Mr. Larry Campbell (replaced Bob Scarborough), I. Berman Company, P. O. Box 140, Montgomery, Alabama 36101, Term expires: May 24, 1986

Mr. Dan McCoy (reappointed), 206 Eustis Avenue, Huntsville, Alabama 35801, Term expires: May 24, 1986

as members of the State Athletic Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 22nd day of June, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Athletic Commission, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. ENCOURAGING THE ALABAMA CONGRESSIONAL DELEGATION AND THE ENTIRE CONGRESS TO SUPPORT H. R. 5868 AND S. 2376.

WHEREAS, H. R. 5868 and S. 2376, introduced respectively in the United States House of Representatives and the U.S. Senate, are companion bills designed to initiate the most significant change in our Federal Tax System since the first Income Tax Law was adopted almost seven decades ago; and

WHEREAS, the aforementioned bills call upon the Treasury Department to conduct a study detailing the economic and administrative consequences of adopting a flat rate Gross Income Tax System; and

WHEREAS, preliminary studies by a prominent Washington economist indicate that the GIT rates would not exceed 7-1/2% for any class of taxpayers, a far cry from the tremendous burden now heaped upon the shoulders of the American taxpayer; and

WHEREAS, this legislation also would serve to drastically reduce or eliminate the complicated tax paperwork now required of individuals, business and government as well; and

WHEREAS, following completion of the Treasury Department's study, a comprehensive bill to change from our present net income tax system to the new GIT system would be introduced in the 98th Congress (1982-83) to provide for a fair and simple income tax system for all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Alabama Congressional Delegation and the entire Congress to support legislation for the Gross Income Tax System and direct that copies of this resolution be dispatched to each member of the Alabama Delegation, and to the presiding officers of each House of Congress, with a further request that this resolution be placed in the Congressional Record evidencing Alabama's support of a fair and equitable system of taxation.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. White, Vacca, Parsons, Cook, and Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. WELCOMING THE "BIRMINGHAM STALLIONS" AS ONE OF TWELVE FRANCHISE TEAMS OF THE NEW UNITED STATES FOOTBALL LEAGUE.

WHEREAS, it is with great pride that the Legislature of Alabama notes the Birmingham franchise as one of 12 initial teams in the new professional United States Football League; and

WHEREAS, the owner of the Birmingham franchise is Mr. Marvin L. Warner, a Birmingham native and a graduate of the University of Alabama and the University's School of Law; he is a resident of Cincinnati, former United States' Ambassador to Switzerland and is Chairman and Chief Executive Officer of Combanks Corporation of Orlando and of Great American Banks, Incorporated, of Miami and Tampa, Florida; and

WHEREAS, the new U. S. Football Team, the Birmingham Stallions with colors of red, white and gold, is Ambassador Warner's commitment "to bring championship professional football to the Football Capital of the South" and to Legion Field which will seat more than 78,000 new fans of Birmingham's new team; and

WHEREAS, it is further to be noted that through agreement with ABC, the USFL is the first new sports league in history to receive a network television contract for its inaugural season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily welcome Am-

bassador Marvin L. Warner and the Birmingham Stallions to the State of Alabama and direct that he receive a copy of this resolution in token of our warm praise, appreciation and utmost regard.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. HONORING WALTER R. BYARS OF MONTGOMERY FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

WHEREAS, the Honorable Walter R. Byars, Attorney at Law of Montgomery, Alabama, has been elected President of the International Society of Barristers; and

WHEREAS, this organization is an international organization consisting of outstanding and noted trial attorneys from throughout the world; and

WHEREAS, Mr. Byars is a partner in the law firm of Steiner, Crum & Baker, Montgomery, Alabama, a firm of distinguished lawyers, and has had many honors bestowed upon him by his brother lawyers; and

WHEREAS, he is Past President of the Montgomery County Bar Association; Past President of the Pike County Bar Association; Past Chairman of the Young Lawyers Section of the Alabama State Bar; former member of the Executive Council of the Younger Lawyers Section of the American Bar Association; former chairman of the Section on Corporation, Partnership and Business Law of the Alabama State Bar; former chairman of the Southeastern Corporate Law Institute; a fellow of the International Society of Barristers; a member of the Alabama Law Institute; and a member of the Montgomery County and American Bar Associations and the Alabama State Bar; and

WHEREAS, Walter R. Byars is much respected and beloved by his fellow lawyers and his many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do congratulate Walter R. Byars of Montgomery upon his elevation to the presidency of the International Society of Barristers and to commend him for the many honors that have been bestowed upon him and heartily thank him on behalf of the people of Alabama for the many services he has rendered to his profession, his area and State and the honor he has brought to the State of Alabama and its Bar Associations by virtue of his election to this high office.

The Secretary of the Senate is hereby instructed to transmit a copy of this resolution to the Honorable Walter R. Byars.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Kirkland, Teague (B), Vacca and White:

S. 79. To further provide for mental illness as a defense in a criminal action; to abolish insanity as an automatic defense in any criminal trial; to provide for incarceration and treatment of offenders suffering from mental

illness; to provide for testimony on the issue on intent; to provide for a determination of the fitness of the defendant for trial; to provide for the disposition of defendants found unfit; to provide for the admissibility of certain statements made to examiners; to abolish the right of the defendant to refuse treatment ordered by a court; to abolish reference to acquittal by reason of insanity; to provide for the examination of defendants convicted of a crime; to provide for consideration and treatment of a defendant's mental illness at sentencing; to provide for review of involuntary treatment; to provide for the transfer of inmates with mental illness to noncorrectional facilities according to prescribed rules and regulations; to provide for notice of intention to release patients; to repeal all conflicting statutes and to specifically repeal Section 13A-3-1, Code of Alabama 1975, as amended, relating to non-responsibility from criminal conduct if at the time of the conduct as a result of the mental disease or defect there exists lack of substantial capacity to appreciate the criminality of said conduct.

Committee on Judiciary.

By Messrs. Holmes and Robertson:

S. 80. To propose an amendment to the Constitution of Alabama of 1901 limiting the amount of increase in value that may be assessed against any property in the State subject to ad valorem taxation.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Smith:

S. 81. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

Committee on Governmental Affairs.

By Mr. Teague (B):

S. 82. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

Committee on Governmental Affairs.

RECESS

At 2:25 P.M., on motion of Mr. Teague (B), the Senate took a recess until 3 o'clock P.M., which motion was adopted.

The recess period having expired, the Senate was called to order by President Pro Tempore St. John. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (with notice and proof):

S. 11. Relating to Escambia County, to provide for an advisory referendum on the question of the method of electing members of the county commission.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 19. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Callahan, Cook, Britnell, Higginbotham, Holmes, Miller, Taylor, Teague (B), Vacca and White (With Amendments):

S. 8. To provide for a prayer that may be given in the public schools and educational institutions of this state.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 61. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1 reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey (with notice and proof):

S. 12. Relating to Houston County; to levy a one cent per gallon tax on the sale or delivery of gasoline or gasohol in the county; to authorize the license commissioner of the county to administer the act and promulgate necessary rules and regulations therefor; to provide for the distribution and use of the tax proceeds among the municipalities and the county; to provide for interest charges, late charges and fines for violations of the act and for the use of such charges and fines; to require licensing, bonding, record keeping and audits of distributors and others to which the tax applies; and to specifically repeal Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97), and all rules or regulations promulgated pursuant thereto.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (with notice and proof):

S. 4. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 17. To designate the song "Alabama the Beautiful" as the folk song of Alabama.

By Mr. Denton:

S. 31. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

By Mr. Martin:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

By Mr. Martin:

S. 33. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

By Mr. deGraffenried (By Request):

S. 36. To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

By Messrs. Goodwin and Teague (J):

S. 60. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

By Mr. Hilliard:

S. 69. To authorize municipalities incorporated in this state to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

By Mr. Hilliard:

S. 71. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama: authorizing Class, 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connections therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act applicable to Class 1, 2 or 3 municipalities in the state and including projects providing hotel and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440.

By Mr. Hilliard:

S. 72. To amend Section 11-52-3, Code of Alabama 1975, to provide for a supernumerary member to be named by the mayor or by a council member of any municipality in which such officer serves as a member of a municipal planning commission to act in his stead when such officer is not present.

By Mr. Callahan:

S. 74. To amend Section 24-1-22, Code of Alabama 1975, which provides for definitions for Article 1, Title 24, on municipal housing authorities, so as to further define the terms "city clerk and mayor."

By Mr. Little:

S. 76. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. White and Goodwin (With Amendment):

S. 59. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-1 through 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to allow substitution of proper shipping papers for the manifest to accompany bulk shipments by rail and water; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application, but limits the number of permits for commercial hazardous waste facilities and sites in any one county without legislative approval.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 3. To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate for its costs relative to the joint reapportionment committee and in payment of that certain court judgment rendered in the case of Beasley v. Gunter, et al., and costs relative thereto.

By Mr. Pearson:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Proctor:

S. 27. To amend Act No. 82-524 (Regular Session, 1982) to increase funds available and to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received.

By Messrs. Goodwin, Robertson, McDonald, Parsons, Martin, Harrison, Denton, Kirkland, White and Teague (B):

S. 7. To make a supplemental appropriation to the Department of Education, Crippled Children Services Program, from the Alabama Special Education Trust Fund, for the fiscal year ending September 30, 1983.

By Messrs. Denton and Holmes:

S. 30. To make a supplemental appropriation to the State Board For Registration of Architects from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

By Mr. Kirkland:

S. 63. To provide for an additional circuit judgeship for the Twenty-First Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Twenty-First Judicial Circuit to two by amending Section 12-17-20, Code of Alabama 1975, as amended, and to provide for the funding of such additional circuit judgeship.

By Mr. Gullledge:

S. 24. To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Committee so as to increase said membership.

By Mr. Teague (B):

S. 68. To provide investigators for the Office of the District Attorney for the 15th Judicial Circuit; to provide for the salaries, other compensation and other benefits for the said investigators; to provide for job descriptions and classifications for said investigators; to provide for the duties, responsibilities and powers of same.

By Mr. Harrison:

S. 1. To amend Sections 11-88-3, 11-88-8, 11-88-11 and 11-88-21 of the CODE OF ALABAMA 1975 so as to make additional provisions respecting incorporation of authorities thereunder, to make certain provisions with respect to the interest and method and time of computing and paying interest on bonds, to specify the use of proceeds of bonds and the source of payment thereof, to exempt certain transactions from review or control by any other public agency and to provide that the provisions of this act are severable.

By Mr. Martin:

S. 34. To amend Sections 40-9-12 and 40-23-5, Code of Alabama 1975, which relate to tax exemptions, so as to include Operation Home, Inc. of Decatur within the exemptions.

By Mr. deGraffenried:

S. 9. To amend Section 16-3-28 of the Code of Alabama of 1975, as amended, so as to authorize the state board of education and the other educational institutions to which said section applies to apply a portion of the principal proceeds of any securities issued pursuant to the provisions of said section to the establishment of a debt service reserve.

By Mr. Harrison:

S. 55. To provide certain additional powers and make provisions with respect to authorities organized pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975, and the counties that make findings with respect to the organization of such authorities, including the power to invest moneys of such an authority and apply or assign the income therefrom, to sell or lease all or any part of its systems or grant options to purchase with respect thereto, to loan or advance its moneys to finance the construction of a system or a part thereof, to exempt any system or facility leased or subleased to or operated or managed by any determining county, whether the lease or sublease be by such an authority or any private party, from all state, county and other taxes, including ad valorem taxes, regardless of the entity that shall hold legal title to such system or facility or any remainder or reversionary interest therein, to exempt any transaction to which any such authority or a determining county is a party from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975, to make certain provisions with respect to rendition of service to citizens of municipalities where no franchise has been granted, to authorize the issuance of temporary obligations by such an authority to permit such counties to lease or sublease property from such an authority or its vendee or subleasee or lessee, and to manage and operate the same, and to provide that the provisions of this act are severable.

ADJOURNMENT

At 4:25 P.M., on motion of Mr. Holmes, the Senate adjourned until Wednesday, June 23, 1982, at 10 o'clock A.M.

THIRD LEGISLATIVE DAY
WEDNESDAY, JUNE 23, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Harry Gilbert, Minister of Music, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague (B)
Cook	Hilliard	Miller	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Kirkland	Pearson	White

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JOURNAL

On motion of Mr. McDonald, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. McDonald, leave of absence was granted Messrs. Figures, Glass, Goodwin, Keener, Mitchem, Proctor, St. John, and Teague (J) for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hilliard (with notice and proof):

S. 83. To authorize Class 1, 2, 3, 4, 5 or 6 municipalities incorporated in this state and situated in a county having a population of 600,000 or more according to the last federal decennial census to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount for such fee, providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 83, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard (with notice and proof):

S. 84. To authorize incorporated municipalities situated within or partially within counties of 600,000 population or more according to the last and any future federal decennial census authorized to annex territory situated in such counties which is enclosed or substantially enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory; prescribing procedures for municipal ad valorem taxation of such territory.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 84, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Mr. Robertson:

S. 85. To amend Section 32-9-20, Code of Alabama 1975, which provides for the size and weight restrictions for motor vehicles on state highways, so as to provide further for said restrictions.

Committee on Commerce, Transportation
and Utilities.

By Mr. Parsons:

S. 86. To amend further Sections 26-14-1 and 26-14-3 of the Code of Alabama 1975, as amended, so as to provide further for the reporting of child abuse.

Committee on Judiciary.

By Mr. Parsons:

S. 87. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 88. To create one additional circuit judgeship for the Tenth Judicial Circuit of Alabama; to provide for the appointment of such judge, to prescribe the jurisdiction, powers, authority, qualifications, duties and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 24; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 89. To amend Section 41-10-176 of the Code of Alabama 1975, relating to certain powers granted to the Historic Blakeley Authority so as to provide further for such powers.

Committee on Governmental Affairs.

By Mr. Bailey:

S. 90. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

Committee on Banking and Insurance.

By Mr. Denton (with notice and proof):

S. 91. To further regulate the sale and distribution of alcoholic beverages in Colbert County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the bill, S. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook:

S. 92. To define the legislative intent, and to provide for a supplemental appropriation for the fiscal year ending September 30, 1982, from the Game and Fish fund to the Game and Fish Division for the purchase of equipment.

Committee on Finance and Taxation.

By Mr. Cook (with notice and proof):

S. 93. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit

zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratifications, approval, validation and confirmation of Act No. 816 approved September 2, 1965, and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 93, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Cook:

S. 94. To direct the commissioner of revenue to defer the implementation of the new property tax reassessment plan, recently promulgated, for one year.

Committee on Finance and Taxation.

By Mr. Hilliard (with notice and proof) (By Request):

S. 95. Relating to the City of Mobile; to provide for a form of government to be known as the district-commission form of municipal government; to provide for its immediate adoption and the election of new commissioners; to create and define the three districts; to define and prescribe the legal status and the governmental powers of such municipality under the district-commission form of government; to provide as the governing body of such municipality a city commission of three members and provide for their election from single-member districts and terms of office; to prescribe their authority, and also the functions, duties, powers and authority of the city commission as a body, and to prescribe rules and procedures for the enactment of ordinances; to provide for the election, appointment or designation of officers; officials, and employees of such municipality and for their qualifications, duties and functions, powers and authority; to provide for the control of finances of such municipality; to require an annual budget and provide for its preparation, submission, and adoption, and prescribe the effect thereof; to authorize the commission to establish and provide for divisions and departments of the municipal government; to create and define the powers, functions, duties, and authority of the department of finance and create the office of comptroller, prescribe the powers, duties, and authority of such comptroller and regulate purchases and contracts of such municipality; to provide for initially establishing and reapportioning the commission districts; to prescribe terms and effects of succession in the government of the municipality; to make various other provisions for such municipal government; to provide for the means of abandoning the district-commission form of government and the adoption by such municipality of other forms of municipal government in lieu thereof; and to provide penalties for violation of certain provisions of this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 95, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard (with notice and proof) (By Request):

S. 96. Relating to Mobile County; providing for the reapportionment of the board of school commissioners of Mobile County into five single-member districts from each of which one commissioner shall be elected by the electors of that district; and providing for the election and terms of office of the new commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 96, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Mr. Lemaster:

S. 97. To provide for the realization of economies in the financing of electric power supply for distributors of electric power and energy in the state; to create the Alabama Public Power Agency; to define the powers, functions and activities of the agency; to authorize the issuance of bonds and other evidences of indebtedness of the agency; and to provide for the terms, security and payment thereof.

Committee on Commerce, Transportation,
and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

H. J. R. 11. NAMING THE AIRCRAFT ENGINEER POWER PLANT BUILDING AT ALABAMA AVIATION TECHNICAL COLLEGE IN OZARK, ALABAMA, "THE RUFUS BARNETT BUILDING."

WHEREAS, Mr. Rufus Barnett of Ozark is a native of Matthews in Montgomery County, Alabama; he attended the public schools at Pike Road, graduating from Pickens County High School at Reform, Alabama; and

WHEREAS, a veteran of both World War II and the Korean Conflict, he also is a graduate of Auburn University, a former Soil Conservationist and businessman; and

WHEREAS, Mr. Barnett, was elected to the State Senate for the 1959-1963 term and it was during his legislative tenure that the original appropriation for the Alabama Aviation Technical College in Ozark was acquired, and through his further instrumental efforts that said college was established; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and in tribute to his accomplishments, we hereby name and designate the aircraft engine power plant building at Alabama Aviation Technical College in Ozark, Alabama, "The Rufus Barnett Building."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as "The Rufus Barnett Building."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Barnett in token of our warm praise and regard and as a memento of this honorary designation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. CONGRATULATING MARY JAMIE HENDRIX OF RAINSVILLE, ALABAMA, FIRST RUNNER-UP IN THE 1982 AMERICA'S JUNIOR MISS PAGEANT.

WHEREAS, Miss Mary Jamie Hendrix has been extremely active and has excelled in many areas of academic and civic activities; and

WHEREAS, Miss Mary Jamie Hendrix is a 1982 graduate of Plainview High School in Rainsville, Alabama, where she was an outstanding student, a member of the Beta Club, a member of the Thespian Club, and a cheerleader; and

WHEREAS, Miss Hendrix is a very active member in her church, a member of the choir, and has done volunteer work with the elderly of the area; and

WHEREAS, Miss Mary Jamie Hendrix represented Rainsville, Alabama, in the 1982 Junior Miss competition in Mobile, Alabama; and

WHEREAS, Miss Mary Jamie Hendrix won two preliminary categories in physical fitness and poise and appearance in this competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend congratulations and best wishes to Miss Mary Jamie Hendrix on being named first runner-up in the 1982 America's Junior Miss Pageant.

BE IT FURTHER RESOLVED, that the Secretary of the Senate transmit a copy of this Resolution to Miss Mary Jamie Hendrix, and a copy to her parents, Mr. and Mrs. J. L. Hendrix, of Rainsville, Alabama.

On motion of Mr. Lemaster, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 11. Relating to Escambia County, to provide for an advisory referendum on the question of the method of electing members of the county commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

SECOND EXTRAORDINARY SESSION
3rd Day

45

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Harrison	McDonald	Taylor
Britnell	Hilliard	Miller	Teague (B)
Callahan	Holmes	Parsons	Vacca
Cook	Kirkland	Pearson	Weeks
Denton	Lemaster	Robertson	White
Gulledge	Little		

—25

Nays: —0

The Bill:

S. 4. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Bailey	Harrison	McDonald	Taylor
Britnell	Hilliard	Miller	Teague (B)
Callahan	Holmes	Parsons	Vacca
Cook	Kirkland	Pearson	Weeks
Denton	Lemaster	Robertson	White
Gulledge	Little		

—25

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 3. DESIGNATING JULY 4, 1982, AS "BILL MONROE DAY" IN ALABAMA.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 6. HONORING MRS. PHYLLIS STEELE OF EPES, ALABAMA, ON THE OCCASION OF THE 100TH ANNIVERSARY OF HER BIRTH.

Also:

H. J. R. 7. MOURNING THE DEATH OF MRS. CHARLENE WALKER DIXON OF PROSSER, WASHINGTON.

Also:

H. J. R. 9. MOURNING THE DEATH OF LEROY "SATCHEL" PAIGE, LEGENDARY MEMBER OF THE BASEBALL HALL OF FAME AND A NATIVE OF MOBILE, ALABAMA.

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 19. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Smith	
Bailey	Higginbotham	Miller	Taylor	
Denton	Holmes	Parsons	White	
Hall				—12

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

QUORUM CALL REQUESTED

At 10:30 A.M., Mr. Little requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs.:	Hall	Little	Robertson	
Bailey	Harrison	Martin	Smith	
Callahan	Higginbotham	McDonald	Taylor	
deGraffenried	Kirkland	Miller	Vacca	
Denton	Lemaster	Pearson	White	—19

BILLS ON THIRD READING RESUMED

The Bill:

S. 8. To provide for a prayer that may be given in the public schools and educational institutions of this state.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 8, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 8

Amend Senate Bill 8, Page 1, Line 25 by inserting after the word "government", the following words "in the sanctity of our homes"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Callahan	Hilliard	Miller	Teague (B)
deGraffenried	Lemaster	Parsons	Vacca
Denton	Little	Robertson	White
Hall			—20

Nays: —0

The Standing Committee on Education then reported the following amendment to the Bill, S. B. 8, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 8, AS AMENDED

Amend Senate Bill 8, Page 1, Line 26, by inserting after the word "schools" the following words "in the name of our Lord"

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Taylor
Bailey	Harrison	Miller	Teague (B)
Callahan	Higginbotham	Parsons	Vacca
deGraffenried	Little	Robertson	White
Denton	Martin		—17

Nays: —0

Mr. Weeks offered the following substitute for the Bill, S. B. 8, as amended, to-wit:

SUBSTITUTE FOR S. B. 8, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide that the Lord's Prayer may be given in the public schools and educational institutions of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. From henceforth, any teacher or professor in any public educational institution within the State of Alabama, may pray or may lead the willing students in the Lord's Prayer, Matthew 6:9-13.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Monday, June 21, 1982, we adjourn to meet again on Wednesday, June 23; and when we adjourn on Wednesday, June 23, we adjourn to meet again on Tuesday, June 29, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. McDonald offered the following substitute for the Resolution, H. J. R. 5, set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR H. J. R. 5

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Wednesday, June 23, we adjourn to meet again on Thursday, June 24, 1982.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, as thus amended, was then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the substitute offered by Mr. Weeks.

On motion of Mr. Callahan, said substitute was laid on the table.

Yeas 16; Nays 10.

Yeas:

Messrs.:	Denton	Martin	Taylor	
Bailey	Gulledge	McDonald	Teague (B)	
Britnell	Harrison	Miller	Vacca	
Callahan	Higginbotham	Robertson	White	
deGraffenried				—16

Nays:

Messrs.:	Holmes	Little	Smith	
Hall	Kirkland	Parsons	Weeks	
Hilliard	Lemaster	Pearson		—10

Mr. Taylor offered the following amendment to the Bill, S. B. 8, as amended, to-wit:

AMENDMENT TO S. B. 8, AS AMENDED

Amend Senate Bill No. 8 Page 1 Line 20, by inserting after the word "pray" the following " , may lead willing students in prayer,

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith
Bailey	Hall	Little	Taylor
Britnell	Harrison	Martin	Teague (B)
Callahan	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Miller	Weeks
Denton	Kirkland	Robertson	White

—23

Nay: Mr. Hilliard. —1

Mr. Hilliard offered the following substitute for the Bill, S. B. 8, as amended, to-wit:

SUBSTITUTE FOR S. B. 8, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide for prayer in the public schools and educational institutions of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. From henceforth, any teacher or professor in any public educational institution within the State of Alabama, recognize Lord God may pray or may lead the willing students in prayer.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RESOLUTIONS

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 15. REQUESTING THE SUPREME COURT TO RETURN
S. R. 4 REQUESTING AN ADVISORY OPINION OF THE SUPREME COURT.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully withdraw S. R. 4 requesting an advisory opinion relative to S. B. 2.

Which was adopted.

Mr. Pearson then offered the following Senate Resolution, to-wit:

S. R. 16. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO THE PENDING S. B. 88 OF THE 1982 SECOND SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the important constitutional questions which have arisen concerning the pending S. B. 88 of the 1982 Second Special

Session, which bill pertains, inter alia, to create a new judgeship in the Tenth Judicial Circuit. Copies of said bill are attached hereto and made a part hereof by reference.

1. Does S. B. 88, which provides for the creation of an additional circuit judgeship in the Jefferson County and does not require such position to be filled by appointment on nomination made by a judicial commission violate the provisions of the Constitution of Alabama of 1901, as amended?

RESOLVED FURTHER That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 88 to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the substitute offered by Mr. Hilliard.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 3. Relative to Appointing a Committee to notify the Governor that the Legislature is in Session.

Also:

H. J. R. 4. Relative to a Committee Being Appointed to Advise the Governor that a Joint Session of the Legislature Will be Held for the Purpose of Hearing the Message of the Governor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after the titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. HONORING MRS. PHYLLIS STEELE OF EPES, ALABAMA, ON THE OCCASION OF THE 100TH ANNIVERSARY OF HER BIRTH.

Also:

H. J. R. 7. MOURNING THE DEATH OF MRS. CHARLENE WALKER DIXON OF PROSSER, WASHINGTON.

Also:

H. J. R. 9. MOURNING THE DEATH OF LEROY "SATCHEL" PAIGE, LEGENDARY MEMBER OF THE BASEBALL HALL OF FAME AND A NATIVE OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the substitute offered by Mr. Hilliard.

On motion of Mr. Holmes, said substitute was laid on the table.

Yeas 18; Nays 5.

Yeas:

Messrs.:	Denton	Kirkland	Robertson
Bailey	Gulledge	Lemaster	Taylor
Britnell	Harrison	Martin	Teague (B)
Callahan	Higginbotham	McDonald	White
deGraffenried	Holmes	Miller	—18

Nays: Messrs.: Hall, Hilliard, Little, Pearson and Smith. —5

And said Bill, S. B. 8, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 5.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Harrison	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague (B)
Callahan	Holmes	Miller	Vacca
deGraffenried	Kirkland	Parsons	White
Denton	Lemaster		—21

Nays: Messrs.: Hall, Hilliard, Pearson, Smith and Weeks. —5

BILLS ON THIRD READING RESUMED

The Bill:

S. 24. To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Committee so as to increase said membership.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Britnell	Harrison	Miller	Weeks	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes	Robertson		—18

<i>Nays:</i>				—0
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The Bill:

S. 68. To provide investigators for the Office of the District Attorney for the 15th Judicial Circuit; to provide for the salaries, other compensation and other benefits for the said investigators; to provide for job descriptions and classifications for said investigators; to provide for the duties, responsibilities and powers of same.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Holmes	Martin	Taylor	
Denton	Lemaster	Miller	Teague (B)	
Gulledge	Little	Smith	Vacca	
Harrison				—12

<i>Nays:</i>				—0
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And the President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTIONS

Mr. Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. COMMENDING NORM AND JERRY BRUNTON OF SCOTTSBORO, ALABAMA, FOR THEIR EFFORTS IN CREATING "BRUNTON'S BED AND BREAKFAST" AGENCY.

WHEREAS, Brunton's Bed and Breakfast Agency is the first such agency established in the State of Alabama; and

WHEREAS, Brunton's Bed and Breakfast Agency, during the past twelve months, has spread throughout the Southeast, including the states of Alabama, Tennessee, Virginia and Georgia; and

WHEREAS, Brunton's Bed and Breakfast Agency has been publicized in newspapers and magazines through the nation and the world, and has received coverage in the LADIES HOME JOURNAL, PM MAGAZINE, the NEW YORK TIMES and THE LONDON TELEGRAPH; and

WHEREAS, The Brunton's Bed and Breakfast Agency is a member of the National Association of Bed and Breakfast Agencies, Alabama Mountain Lakes Association, Alabama Tourist Council, Chattanooga Visitors and Convention Bureau, the Upper East Tennessee Tourist Council, the Northwest Georgia Tourist Association, and the Chattanooga Hotel and Motel Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we highly commend Norm and Jerry Brunton, for their efforts in promoting tourism in Alabama, and for their efforts in placing hundreds of people during the World's Fair at Knoxville, and for bringing hundreds of people to the State of Alabama.

BE IT FURTHER RESOLVED that the Secretary of the Senate transmit a copy of this Resolution to Norm and Jerry Brunton of Scottsboro, Alabama.

On motion of Mr. Lemaster, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 3. To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate for its costs relative to the joint reapportionment committee and in payment of that certain court judgment rendered in the case of Beasley v. Gunter, et al., and costs relative thereto.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith
Bailey	Lemaster	Pearson	Taylor
Britnell	Little	Robertson	White
Denton	Martin		

—13

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 61. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 2.

Yeas:

Messrs.:	Denton	Kirkland	Pearson
Bailey	Gulledge	Lemaster	Robertson
Britnell	Hall	Little	Taylor
Callahan	Harrison	Martin	Teague (B)
deGraffenried	Holmes	Miller	White

—19

Nays: Messrs. Hilliard and Weeks. —2

The Bill:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

was taken up.

Mr. Smith offered the following amendment to the Bill, S. B. 66, to-wit:

AMENDMENT TO S. B. 66

Amend Senate Bill No. 66 Page 1 Line 23, by inserting after the word "Talladega", the following " , Madison,"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Harrison	Martin	Taylor	
Britnell	Higginbotham	Miller	Vacca	
Callahan	Hilliard	Pearson	Weeks	
deGraffenried	Holmes	Robertson	White	
Denton	Kirkland			—21

Nays: —0

And said Bill, S. B. 66, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Taylor	
Bailey	Harrison	Martin	Teague (B)	
Britnell	Higginbotham	Miller	Vacca	
Callahan	Holmes	Pearson	Weeks	
deGraffenried	Kirkland	Robertson	White	
Denton	Lemaster	Smith		—22

Nays: —0

The Bill:

S. 34. To amend Sections 40-9-12 and 40-23-5, Code of Alabama 1975, which relate to tax exemptions, so as to include Operation Home, Inc. of Decatur within the exemptions.

was taken up.

Messrs. Little and Higginbotham offered the following amendment to the Bill, S. B. 34, to-wit:

AMENDMENT TO S. B. 34

In the Synopsis, on page 1, on line 11, after the word "Decatur" insert;
and East Alabama Services for the Elderly, Inc., of Lee County, Alabama

In the title, on page 1, on line 19, after the word "Decatur" insert;
and East Alabama Services for the Elderly, Inc., of Auburn, Alabama

On page 2, on line 30 after the word "Alabama," insert: East Alabama
Services for the Elderly, Inc., of Lee County, Alabama,

On page 5, after line 12 insert the following: (h) East Alabama Services
for the Elderly, Inc., of Lee County, Alabama is hereby exempted from paying
any state, county or municipal sales or use taxes.

Which was adopted.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Miller	
Bailey	Hall	Little	Robertson	
Britnell	Higginbotham	Martin	Weeks	
Callahan	Holmes			—13

Nays: —0

And said Bill, S. B. 34, as thus amended, was read a third time at length
and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Miller	
Bailey	Denton	Kirkland	Robertson	
Britnell	Higginbotham	Little	Smith	
Callahan	Hilliard	Martin	Weeks	—15

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum
present but not voting.

The Bill:

S. 7. To make a supplemental appropriation to the Department of
Education, Crippled Children Services Program, from the Alabama Special
Education Trust Fund, for the fiscal year ending September 30, 1983.

was read a third time at length and passed, and ordered sent forthwith to the
House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Taylor	
Britnell	Higginbotham	Miller	Teague (B)	
Callahan	Kirkland	Robertson	Weeks	
deGraffenried	Lemaster	Smith	White	
Denton	Little			—17

Nays:

—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 72. To amend Section 11-52-3, Code of Alabama 1975, to provide for a supernumerary member to be named by the mayor or by a council member of any municipality in which such officer serves as a member of a municipal planning commission to act in his stead when such officer is not present.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Messrs.:
Britnell
deGraffenried
Hall

Hilliard
Holmes
Kirkland
Little

Martin
Robertson
Smith

Taylor
Weeks
White

—13

Nays:

—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 81. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Amendments):

S. 23. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

ADJOURNMENT

At 11:55 A.M., on motion of Mr. Weeks, the Senate adjourned until Thursday, June 24, 1982, at 10:30 A.M.

FOURTH LEGISLATIVE DAY

THURSDAY, JUNE 24, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Robert Beckley, Associate Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Higginbotham	McDonald	Smith
Bailey	Hilliard	Miller	Taylor
Callahan	Holmes	Mitchem	Teague (B)
Cook	Keener	Parsons	Teague (J)
deGraffenried	Kirkland	Pearson	Vacca
Denton	Lemaster	Robertson	Weeks
Gulledge	Little	St. John	White
Harrison	Martin		

—29

JOURNAL

On motion of Mr. Weeks, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Hilliard, leave of absence was granted Messrs. Britnell, Figures, Glass, Goodwin, Hall, and Proctor for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Smith:

S. 98. To amend Section 40-23-4.1, Code of Alabama 1975, which provides a sales tax exemption for certain drugs, so as to provide further for such exemptions.

Committee on Finance and Taxation.

By Mr. Kirkland (with notice and proof):

S. 99. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county,

municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 99, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RESOLUTIONS

Mr. Hilliard offered the following Senate Resolutions, to-wit:

S. R. 18. COMMENDING MR. AND MRS. JAMES JOHNSON FOR EXTRAORDINARY COMMUNITY SERVICE.

Also:

S. R. 19. HONORING THE REVEREND ROBERT SMITH, JR., PASTOR OF THE PRATT CITY BETHEL BAPTIST CHURCH.

Also:

S. R. 20. COMMENDING DR. MILOUS REESE, JR., OF BIRMINGHAM'S ENSLEY-PRATT CITY COMMUNITY.

Which were adopted.

Mr. Hilliard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. WHEREAS, the 92nd Congress of the United States of America at its first session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

"JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of submission by the Congress:

"ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE CONCURRING, That:

1. The proposed amendment to the Constitution of the United States as herein shown be and the same is herein ratified.

2. Duly authenticated copies of this resolution shall be forwarded by the Clerk of the House to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 22. COMMENDING LEAH AND LIONEL WILLIAMS FOR OUTSTANDING MUSICAL ACCOMPLISHMENTS.

Which was adopted.

Messrs. Weeks and Harrison offered the following Senate Resolution, to-wit:

S. R. 23. HONORING MRS. MABLE ARMSTRONG STOTT UPON HER RETIREMENT FROM TEACHING IN THE BULLOCK COUNTY SCHOOL SYSTEM.

Which was adopted.

BILLS ON THIRD READING

The Bill:

S. 63. To provide for an additional circuit judgeship for the Twenty-First Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Twenty-First Judicial Circuit to two by amending Section 12-17-20, Code of Alabama 1975, as amended, and to provide for the funding of such additional circuit judgeship.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

SECOND EXTRAORDINARY SESSION
4th Day

61

Yeas 12; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Holmes	Martin	Robertson	
Bailey	Keener	Miller	Teague (J)	
Denton	Kirkland	Mitchem	Weeks	
Harrison				—12

Nays: —0

Abstaining: Mr. Little. —1

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

MOTION TO ADJOURN LOST

At 11:15 A.M., Mr. Weeks moved that the Senate adjourn until Thursday, July 1, 1982, at 1 o'clock P.M., which motion was lost.

Yeas 9; Nays 15.

Yeas:

Messrs.:	Hilliard	Smith	Teague (J)	
deGraffenried	Parsons	Taylor	Weeks	
Denton	Robertson			—9

Nays:

Messrs.:	Harrison	Kirkland	Miller	
Bailey	Higginbotham	Lemaster	Mitchem	
Cook	Holmes	Little	St. John	
Gulledge	Keener	Martin	White	—15

BILLS ON THIRD READING RESUMED

The Bill:

S. 12. Relating to Houston County; to levy a one cent per gallon tax on the sale or delivery of gasoline or gasohol in the county; to authorize the license commissioner of the county to administer the act and promulgate necessary rules and regulations therefor; to provide for the distribution and use of the tax proceeds among the municipalities and the county; to provide for interest charges, late charges and fines for violations of the act and for the use of such charges and fines; to require licensing, bonding, record keeping and audits of distributors and others to which the tax applies; and to specifically repeal Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97) and all rules or regulations promulgated pursuant thereto.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	Miller	Taylor	
Bailey	Holmes	Parsons	Teague (B)	
Callahan	Keener	Pearson	Teague (J)	
Cook	Kirkland	Robertson	Vacca	
Denton	Lemaster	St. John	Weeks	
Gulledge	Little	Smith	White	
Harrison	Martin			—25

Nays:

—0

RESOLUTIONS

Messrs. Little and Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY ALL ASPECTS OF THE TEACHERS' RETIREMENT SYSTEM AND THE STATE EMPLOYEES' RETIREMENT SYSTEM.

BE IT RESOLVED BY THE ALABAMA SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint interim legislative committee to study all aspects of the Teachers' Retirement System and State Employees' Retirement System. The committee shall study any and all alternatives to the Systems as they currently exist, including, but not limited to judicial contributions, state trooper contributions and increasing member contributions. The committee shall be provided with any actuarial data or information that it requires. The committee shall be composed of ten persons; the Chairman of the Senate Finance and Taxation Committee, Chairman of the Senate Education Committee, three members appointed by the President of the Senate, the Chairman of the House Ways and Means Committee, the Chairman of the House Education Committee, and three members appointed by the Speaker of the House of Representatives. The legislative members of the committee shall receive their regular legislative compensation to be paid from funds appropriated to the legislature. The total compensation paid to the members of this committee shall not exceed \$7,500.00. The final report of the committee, along with findings and recommendations shall be submitted to the legislature no later than the first legislative day of the next special or regular session. Upon the submission of the final report, the committee shall stand dissolved.

Which was read and referred to the Standing Committee on Rules.

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 25. NOTING WITH COMMENDATION THE 112TH CONSECUTIVE ANNUAL MASONIC CELEBRATION OF FIDELITY LODGE NUMBER 685.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 21. COMMENDING THE LIMESTONE COUNTY SCHOOLS FOR EXCELLENCE OF ACHIEVEMENT.

Also:

By Reps. Buskey, Clark (W), Zoghby, Stewart and Kennedy:

H. J. R. 23. COMMENDING WAYNE ABLE OF MOBILE, ALABAMA AS "NATIONAL HOME RUN KING" OF HIGH SCHOOL BASEBALL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolutions, H. J. R.'s 21 and 23, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 17. To designate the song "Alabama the Beautiful" as the folk song of Alabama.

was taken up.

On motion of Mr. White, further consideration of the Bill, S. B. 17, was postponed temporarily.

The Bill:

S. 31. To amend sections 36-14-13 and 41-4-156, Code of Alabama 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Taylor
Cook	Keener	Robertson	Teague (J)
Denton	Little	St. John	Weeks
Gulledge	Martin	Smith	White
Harrison	McDonald		

—17

Nays:

—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 23. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 23, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 23

Amend S. B. 23 by inserting in Section 1, on Page 2, line 16 the following additional language:

A minimum of five of these 14 additional members shall be members of local city or county boards of education at the time of their appointment.

Mr. White moved that said amendment be laid on the table.

Mr. Weeks moved that further consideration of the Bill, S. B. 23, be postponed temporarily.

On motion of Mr. White, the motion to postpone temporarily was laid on the table.

And on motion of Mr. White, said amendment was laid on the table.

The Standing Committee on Education then reported the following amendment to the Bill, S. B. 23, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 23

Amend S. B. 23 by inserting in Section 1, on Page 2, line 16, the following additional language:

Each of these nine additional non-school board members shall have successful occupational experience and/or demonstrated expertise in the subject area to be considered for textbook adoption.

On motion of Mr. White, said amendment was laid on the table.

The Standing Committee on Education then reported the following amendment to the Bill, S. B. 23, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 23

Amend Senate Bill 23, Page 2, Section 1, line 16, by inserting additional language after the word "appointments" as follows:

In order for any non-educator to be eligible for appointment, he or she shall have at the time of appointment a child enrolled in the public schools or shall have children who were graduated from the public schools.

On motion of Mr. White, said amendment was laid on the table.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 52. To provide a procedure whereby certain local governing bodies in this state may withdraw, from a certain protest account in the state treasury, their shares of certain collected taxes or revenues while litigation is pending on the validity of the Acts which levied such taxes for such revenues.

By Mr. Pearson:

S. 44. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

By Mr. Gullledge:

S. 78. To make a conditional appropriation to the Foreign Trade Relations Commission for the fiscal year ending September 30, 1983.

By Mr. Cook:

S. 94. To direct the commissioner of revenue to defer the implementation of the new property tax reassessment plan, recently promulgated, for one year.

By Mr. Pearson:

S. 45. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

By Mr. Pearson:

S. 46. To provide a supplemental appropriation from the General Fund in the amount of \$235,000.00, for the fiscal year ending September 30, 1982, for the Marine Resources Division of the Department of Conservation and Natural Resources, for operation, enforcement, and administrative expenses.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton (with notice and proof):

S. 91. To further regulate the sale and distribution of alcoholic beverages in Colbert County.

By Mr. Cook (with notice and proof):

S. 93. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 13. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

By Mr. Mitchem:

S. 54. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

By Mr. Mitchem:

S. 56. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultry.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mitchem:

S. 57. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bailey:

S. 90. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

Mr. Teague (J), Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Taylor:

S. 77. To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to grant franchises and regulate such franchises in certain counties; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

RECESS

At 11:50 A.M., Mr. Weeks moved that the Senate recess until 2 o'clock P.M.

Mr. White offered a substitute motion that the Senate recess until 1 o'clock P.M., which motion was adopted, and at 11:55 A.M. the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 23

The Senate proceeded to further consideration of the Bill, S. B. 23.

On motion of Mr. Martin, further consideration of the Bill, S. B. 23, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Taylor
Callahan	Harrison	Martin	Weeks
deGraffenried	Higginbotham	St. John	White
Denton	Keener		
			—13

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 33. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Keener	Miller	Taylor	
Bailey	Little	Mitchem	Weeks	
deGraffenried	Martin	Robertson	White	
Denton				—12

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 30. To make a supplemental appropriation to the State Board For Registration of Architects from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	St. John	
Bailey	Hilliard	Martin	Taylor	
deGraffenried	Keener	Miller	Weeks	
Denton	Kirkland	Mitchem	White	
				—15

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 76. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Taylor	
Bailey	Holmes	Mitchem	Weeks	
Denton	Keener	Robertson	White	
Harrison	Little	St. John		—14

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 36. To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith
deGraffenried	Lemaster	Mitchem	Taylor
Gulledge	Little	Parsons	Teague (J)
Harrison	Martin	Roberston	Weeke
Higginbotham	McDonald	St. John	White

—18

Nays: —0

The Bill:

S. 69. To authorize municipalities incorporated in this state to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 11; Nays 2.

Yeas:

Messrs.:	Kirkland	Miller	Teague (J)
Bailey	Little	Mitchem	Weeks
Higginbotham	Martin	Smith	White

—11

Nays: Messrs.: deGraffenried and Taylor. —2

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

FURTHER CONSIDERATION OF S. B. 17

The Senate proceeded to further consideration of the Bill, S. B. 17.

Mr. Weeks moved that further consideration of the Bill, S. B. 17, be postponed temporarily, which motion was lost.

Mr. Holmes offered the following substitute for the Bill, S. B. 17, to-wit:

SUBSTITUTE FOR S. B. 17

A BILL
TO BE ENTITLED
AN ACT

To create a registry of official folk songs and designate the song "Alabama the Beautiful" as one of the folk songs of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a registry of official folk songs of Alabama. Any song may be designated an official folk song by Act or joint resolution passed by the Legislature.

Section 2. The song "Alabama the Beautiful" written by Glen Wood and Patty Wheeler is hereby designated one of the folk songs of Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Lemaster	Parsons	Teague (B)	
Bailey	Little	St. John	Teague (J)	
Harrison	Martin	Smith	Weeks	
Holmes	Miller	Taylor	White	
Kirkland				—16

Nays: —0

Mr. Kirkland moved that further consideration of the Bill, S. B. 17, as amended by the substitute, be postponed temporarily.

Mr. White moved that the motion to postpone temporarily be laid on the table, which motion was lost, and said Bill, S. B. 17, was postponed temporarily.

FURTHER CONSIDERATION OF S. B. 23

The Senate proceeded to further consideration of the Bill, S. B. 23.

Mr. Little offered the following substitute for the Bill, S. B. 23, to-wit:

SUBSTITUTE FOR S. B. 23

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-36-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-36-2. (a) The state textbook committee shall be composed of 16 23 members. Four of such members shall be secondary school classroom teachers and four elementary school classroom teachers. One of these eight members shall be appointed from each of the eight seven congressional districts, as such districts are now constituted, and one shall be appointed statewide. There shall also be four members appointed from the state at large, and these four members may be either classroom teachers or persons actively engaged in the supervisory or administrative capacity in the field of education. There shall be two members of the committee who are employees of state institutions of higher learning. These 14 members of the state textbook committee shall each be appointed by the state board of education upon nominations made by the state superintendent of education. All 14 members appointed by the State Board of Education shall be subject to the confirmation of the Senate. In addition, two Nine members shall be appointed by the Governor, subject to the confirmation of the Senate, one from each of the Seven Congressional Districts, as such districts are now constituted and two appointed statewide and, these two shall be members of local city or county boards of education at the time of their appointment. Neither of these members shall have been employed in the field of education. All members of the textbook committee shall be appointed for terms of one year, beginning on the first day of July May. These 9 additional members shall not have been employed in the field of education five years previous to the appointments but shall have general knowledge of the subject area to be considered for textbook adoption and shall be supportive of public education.

"(b) Vacancies in the office of any of the committee members shall be filled by the original appointing authority, and the appointee shall hold office for the unexpired term and until his successor is appointed and qualified.

"(c) In order to qualify as a member of the committee, each person appointed shall make an affidavit to be filed with the state board of education within 10 days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member of the state textbook committee; that he has no interest, directly or indirectly, in any contract that may be made under this chapter; that he has no interest as author, as associate author, as publisher or as a representative of the author or publisher of any textbook; that he has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm or corporation engaged in manufacturing, publishing or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his agents or anyone interested in or intending to bias his judgment in any way in the selection of any textbook up for adoption; also that he will not reveal to anyone, except to the state board of education, the findings, ratings or gradings of the state textbook committee.

"(d) It shall be a misdemeanor for any member of said committee or the secretary thereof, or for any other person, to disclose ratings and gradings to anyone except to the state board of education, until after the contracts are made, and anyone found guilty of doing so shall be fined not exceeding \$500.00 and also may be imprisoned or sentenced to hard labor for a term not exceeding six months."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Denton offered the following substitute for the Little substitute for the Bill, S. B. 23, to-wit:

DENTON SUBSTITUTE FOR S. B. 23

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-36-2, Code of Alabama 1975, is hereby amended to read as follows:

§ 16-36-2, (a) The state textbook committee shall be composed of 16 23 members. Four of such members shall be secondary school classroom teachers and four elementary school classroom teachers. One of these eight members shall be appointed from each of the eight seven congressional districts, as such districts are now constituted, and one shall be appointed statewide. There shall also be four members appointed from the state at large, and these four members may be either classroom teachers or persons actively engaged in a supervisory or administrative capacity in the field of education. There shall be two members of the committee who are employees of state institutions of higher learning. These 14 members of the textbook committee shall each be appointed by the state board of education upon nominations made by the state superintendent of education. In addition, two nine members of the state textbook committee shall be appointed, three by the governor., three by the Lieutenant Governor and three by the Speaker of the House of Representatives. Of the members appointed by the Governor, Lieutenant Governor and Speaker of the House of Representatives, one each of their three appointments shall be a member of a local city or county board of education. As a condition of the appointment for the remaining six members of the committee, they shall have successful occupational experience and/or demonstrated expertise in the subject area to be considered for textbook adoption. Neither None of these members shall have been employed in the field of education five years previous to the appointments. In order for any non-educator to be eligible for appointment, he or she shall have at the time of appointment a child enrolled in the public schools or shall have children who were graduated from the public schools. All members of the textbook committee shall be appointed for terms of one year, beginning on the first day of July May.

"(b) Vacancies in the office of any of the committee members shall be filled by the original appointing authority, and the appointee shall hold office for the unexpired term and until his successor is appointed and qualified.

"(c) In order to qualify as a member of the committee, each person appointed shall make an affidavit to be filed with the state board of education within 10 days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member of the state textbook committee; that he has no interest, directly or indirectly, in any contract that may be made under this chapter; that he has no interest as author, as associate author, as publisher or as representative of the author or publisher of any textbook; that he has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm or corporation engaged in manufacturing, publishing or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks,

his agents or anyone interested in or intending to bias his judgment in any way in the selection of any textbook up for adoption; also that he will not reveal to anyone, except to the state board of education, the findings, ratings or gradings of the state textbook committee.

"(d) It shall be a misdemeanor for any member of said committee or the secretary thereof, or for any other person, to disclose ratings and gradings to anyone except to the state board of education, until after the contracts are made, and anyone found guilty of doing so shall be fined not exceeding \$500.00 and also may be imprisoned or sentenced to hard labor for a term not exceeding six months."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. White moved that said Denton substitute be laid on the table, which motion was lost.

Yeas 11; Nays 15.

Yeas:

Messrs.:	Harrison	Keener	St. John
Cook	Higginbotham	Little	Teague (B)
deGraffenried	Holmes	Robertson	White

—11

Nays:

Messrs.:	Hilliard	McDonald	Smith
Bailey	Kirkland	Miller	Taylor
Denton	Lemaster	Mitchem	Teague (J)
Gulledge	Martin	Parsons	Weeks

—15

RESOLUTIONS

Mr. Mitchem offered the following Senate Resolutions, to-wit:

S. R. 26. CONGRATULATING THE FORESTRY JUDGING TEAM OF THE ALBERTVILLE HIGH SCHOOL CHAPTER OF FFA.

Also:

S. R. 27. COMMENDING THE DAIRY JUDGING TEAM OF THE ALBERTVILLE HIGH SCHOOL CHAPTER OF FFA.

Which were adopted.

FURTHER CONSIDERATION OF S. B. 23

The Senate proceeded to further consideration of the Bill, S. B. 23. The question was on the Denton substitute for the Little substitute.

And said Denton substitute was then adopted.

Yeas 15; Nays 12.

Yeas:

Messrs.:	Hilliard	McDonald	Smith
Bailey	Kirkland	Miller	Taylor
Denton	Lemaster	Mitchem	Teague
Gulledge	Martin	Parsons	Weeks

—15

Nays:

Messrs.:	Harrison	Keener	St. John
Callahan	Higginbotham	Little	Teague (B)
Cook	Holmes	Robertson	White
deGraffenried			—12

And said Little substitute, as amended by the Denton substitute, for the Bill, S. B. 23, was then adopted.

Yeas 15; Nays 11.

Yeas:

Messrs.:	Hilliard	McDonald	Smith
Bailey	Kirkland	Miller	Taylor
Denton	Lemaster	Mitchem	Teague (J)
Gulledge	Martin	Parsons	Weeks
			—15

Nays:

Messrs.:	deGraffenried	Holmes	Robertson
Callahan	Harrison	Keener	Teague (B)
Cook	Higginbotham	Little	White
			—11

And said Bill, S. B. 23, as thus amended by the Little substitute, as amended by the Denton substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 13.

Yeas:

Messrs.:	Holmes	McDonald	Taylor
Bailey	Keener	Miller	Teague (J)
Denton	Kirkland	Mitchem	Weeks
Gulledge	Martin	Parsons	—14

Nays:

Messrs.:	Harrison	Little	Smith
Callahan	Higginbotham	Robertson	Teague (B)
Cook	Hilliard	St. John	White
deGraffenried	Lemaster		—13

Mr. Denton moved that the Senate reconsider the vote by which the Bill, S. B. 23, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BILLS ON THIRD READING RESUMED

The Bill:

S. 71. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or

activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act applicable to Class 1, 2 or 3 municipalities in the state and including projects providing hotel and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Holmes	Little	Mitchem
Bailey	Keener	Martin	Smith
deGraffenried	Kirkland	McDonald	Weeks
Denton	Lemaster	Miller	White
Hilliard			

—16

Nays:

—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 81. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

was taken up.

Mr. Smith offered the following substitute for the Bill, S. B. 81, to-wit:

SUBSTITUTE FOR S. B. 81

A BILL TO BE ENTITLED AN ACT

To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

Be It Enacted by the Legislature.

Section 1. Definitions.

As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

(1) **STATE BOARD OF HEALTH.** The statutory agency of the state of Alabama operative in the field of general health matters and performing the duties and exercising the powers as set forth in the statutory provisions relating thereto. In addition to its other duties and responsibilities in the field of general health matters, the state board of health, or other agency selected by the governor is the "state health planning and development agency" pursuant to chapter 4 of this title. Where used in this article, the terms "state board of health," "state agency" and "state health planning and development agency" shall be synonymous and may be used interchangeably.

(1) **STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA).** An agency of the State of Alabama which is designated by the Governor as the sole state health planning and development agency, which shall consist of three consumers, three providers and three representatives of the Governor who all shall serve staggered terms and all be appointed by the Governor. Where used in this act, the terms, "state agency," and "SHPDA", shall be synonymous and may be used interchangeably.

(2) **STATEWIDE HEALTH COORDINATING COUNCIL.** A council established pursuant to the provisions of Title XV, section 1524, of the Public Health Service Act (42 USC 200m 3) and sections 22-4-7 and 22-4-8 of this Code to advise the state health planning and development agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it. by appropriate state and federal statutes.

(3) **HEALTH SYSTEMS AGENCY.** An entity which is organized and operated under the provisions of Title XV of the Public Health Service Act (42 USC 3001 et seq.) and is responsible for the health planning and development in a health service area designated by the governor.

(3) (4) **HEALTH SERVICE AREA.** A geographical area designated by the governor, pursuant to Title XV of the Public Health Service Act, as being appropriate for effective planning and development of health services.

(4) (5) **STATE HEALTH PLAN.** A comprehensive plan which is prepared, reviewed and revised at least annually by the statewide health coordinating council, with the assistance of the state health planning and development agency, and approved by the state board of health SHPDA, Governor and the statewide health coordinating council. The state health plan shall include:

- a. The health systems plans developed by the health systems agencies and revised as necessary for appropriate coordination, or to deal more effectively with statewide health needs and priorities;
- b. The state medical facilities plan; and
- c. The state manpower plan.

The state health plan shall provide for the development of health programs and resources to assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state.

(6) **STATE MEDICAL FACILITIES PLAN.** A plan prepared by the state health planning and development agency and approved by the statewide health coordinating council as consistent with the state health plan, which shall include consideration of the medical facilities plans of the health systems agencies and which shall establish an integrated and interrelated system of health care facilities which shall promote the provision of readily accessible health care facilities in all parts of the state.

(5) (7) **HEALTH CARE FACILITY.** Such term shall include: General and specialized hospitals, including tuberculosis, psychiatric, long-term care and other types of hospitals, and related facilities such as laboratories, outpatient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units; community mental health centers and related facilities; facilities for the developmentally disabled; home health agencies; and health maintenance organizations. The term "health care facility" shall not include the offices of private physicians or dentists, whether for individual or group practice and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.

(6) (8) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services customarily furnished on either an inpatient or outpatient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

(7) (9) **CAPITAL EXPENDITURE.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which

a. Exceeds \$100,000. \$200,000 (indexed) for major medical equipment; \$200,000 (indexed) for new annual operating costs; \$600,000 (indexed) for any other capital expenditure;

b. Changes the bed capacity of the facility with respect to which such expenditure is made; or

c. Substantially changes the health services of the facility with respect to which such expenditure is made.

(8) (10) **PERSON.** Any person, firm, partnership, association, joint venture or corporation, the state of Alabama and its political subdivisions or parts thereof and any agencies or instrumentalities and any combination of persons herein specified, but "person" shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulation established by this article.

(9) (11) **APPLICANT.** Any person, as defined in this section, who files an application for a certificate of need.

(10) (12) **ACQUISITION.** Such term shall mean and include obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase,

lease, loan or sufferance, gift, devise, legacy, settlement of a trust or means whatever, and shall include any act of acquisition. The term "acquisition" shall not mean or include any conveyance, or creation of any lien or security interest by mortgage, deed of trust, security agreement or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement or similar financing instrument nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified hereinabove by a natural person to any member of such person's immediate family. For the purposes of this section "immediate family" shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the 4th degree of kindred as such degrees are computed according to law.

(11) (13) **CONSTRUCTION.** Such term shall mean and include actual commencement, with bona fide intention of completing the same, or completion of the construction, erection, remodeling, relocation, excavation or fabrication of any real property constituting a facility under this article, and the term "construct" shall mean and include any act of construction. "Ground breaking ceremony," "receipt of bids," "receipt of quotation" or similar action that will permit unilateral termination without penalty shall not be considered "construction."

(12) (14) **FIRM COMMITMENT OR OBLIGATION.** Such terms shall mean and include:

a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefor;

b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services; and

c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

(13) (15) **INSTITUTIONAL HEALTH SERVICES.** Health services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

(14) (16) **MODERNIZATION.** The alteration, repair, remodeling, replacement and renovation of existing buildings including initial equipment thereof and the replacement of equipment of existing buildings.

(15) (17) **TO OFFER.** Such term, when used in connection with health services, means that the health care facility or health maintenance organization holds itself out as capable of providing or as having the means for the provision of, specified health services.

Section 2. LEGISLATIVE FINDINGS: PURPOSE OF ARTICLE.

The legislature of the state of Alabama declares that it is the public policy of the state of Alabama that a certificate of need program be administered in the state to assure that only those health care services and facilities found to be in the public interest shall be offered or developed in the state. It is the purpose of the legislature in enacting this article to prevent the construction of unnecessary and inappropriate health care facilities through a system

of mandatory reviews of new institutional health services, as the same are defined in this article.

Section 3. NEW INSTITUTIONAL HEALTH SERVICES SUBJECT TO REVIEW.

(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the purposes of this article, "new institutional health services" shall include:

(1) The construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization; or

(2) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of \$100,000.00 which, under generally accepted accounting principles consistently applied, is a capital expenditure; or,

(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of \$200,000.00 (indexed) for major medical equipment; in excess of \$200,000.00 (indexed) for new annual operating costs; in excess of \$600,000.00 (indexed) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization; or

(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition, or conversion of one or more beds, or the relocation of one or more beds from one physical facility to another; or

(4) Health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered.

(b) The four conditions of "new institutional health services" listed in this section shall be mutually exclusive.

Section 4. The state board of health SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the criteria and clarifying definitions for reviews covered by this article. These criteria shall include at least the following:

(1) Determination that the proposed new institutional health service or facility is consistent with one or more of the appropriate state health facility and services plans effective at the time the application was received by the state agency, which shall include the latest approved revisions of the following plans:

b. Alabama medical facilities plan (a component of the Alabama state health plan).

b.e. Alabama state plan for services to the mentally ill.

c.d. Alabama state plan for rehabilitation facilities.

d.e. Alabama developmental disabilities plan.

e.f. Alabama state alcoholism plan.

f.g. Such other state plans as may from time to time be required by state or federal statute.

(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

(3) The availability of alternative, less costly or more effective methods of providing such services.

(4) Determination of a substantially unmet public requirement for the proposed health care facility, service or capital expenditure that is consistent with orderly planning within the state and the community for furnishing comprehensive health care, such determination to be established on the merits of the proposal after given appropriate consideration to:

- a. Financial feasibility of the proposed change in service of facility;
- b. Specific data supporting the demonstration of need for the proposed change in facility or service shall be reasonable, relevant and appropriate;
- c. Evidence of evaluation and consistency of the proposed change in facility or service with the facility's and the community's overall health and health-related plans;
- d. Evidence of consistency of the proposal with the need to meet nonpatient care objectives of the facility such as teaching and research;
- e. Evidence of review of the proposed facility, service or capital expenditure by the local health systems agency, and when appropriate and requested by other state agencies;
- f. Evidence of the locational appropriateness of the proposed facility or service such as transportation accessibility, manpower availability, local zoning, environmental health, etc.;
- g. Reasonable potential of the facility to meet licensure standards.
- h. Reasonable consideration shall be given to medical facilities involved in medical education.

(5) Determination that the person applying is an appropriate applicant, or the most appropriate applicant in the event of duplicative applications, for providing the proposed health care facility or service, such determination to be established from the evidence as to the ability of the person, directly or indirectly, to render adequate service to the public, including affirmative evidence as to the following:

- a. Professional capability of the facility proposing the capital expenditure;
- b. Management capability of the facility proposing the capital expenditure;
- c. Adequate manpower to enable the facility to offer the proposed service;
- d. Evidence of the existence of the applicant's long-range planning program and an ongoing planning process;
- e. Evidence of existing and ongoing monitoring of utilization and the fulfilling of unmet or undermet health needs in the case of expansion;

f. Evidence of communication with all planning, regulatory, utility agencies and organizations that influence the facility's destiny.

(6) Consideration of the special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service area in which the entities are located or in adjacent health service areas.

(7) The special needs and circumstances of health maintenance organizations.

(8) In case of a construction project, consideration shall be given to:

a. The costs and methods of the proposed construction including the costs and methods of energy provision, and

b. The probable impact of the construction project reviewed on the costs of providing health services.

Section 5. CERTIFICATES OF NEED—REQUIRED FOR NEW INSTITUTIONAL HEALTH SERVICE.

(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless such person shall first obtain from the state board of health SHPDA a certificate of need therefor.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who, on July 30, 1979, holds a valid assurance of need issued pursuant to section 1122 of the Social Security Act, shall be entitled to be issued a certificate of need for the facility or service described on the application for the assurance of need. Application for a certificate of need under this subsection shall be filed within 90 days after July 30, 1979. Certificates of need issued under this subsection shall be subject to section 22-21-270.

Section 6. SAME—REQUIRED FINDINGS FOR IN-PATIENT FACILITIES.

No certificate of need for new in-patient facilities or services shall be issued unless the state board of health SHPDA makes each of the following findings:

(1) That the proposed facility or service is consistent with the latest approved revision of the appropriate state plan effective at the time the application was received by the state agency;

(2) That less costly, more efficient or more appropriate alternatives to such in-patient service are not available, and that the development of such alternatives has been studied and found not practicable;

(3) That existing in-patient facilities providing in-patient services similar to those proposed are being used in an appropriate and efficient manner consistent with community demands for services;

(4) That in the case of new construction, alternatives to new construction (e.g., modernization and sharing arrangement) have been considered and have been implemented to the maximum extent practicable; and

(5) That patients will experience serious problems in obtaining in-patient care of the type proposed in the absence of the proposed new service.

Section 7. SAME—APPLICATION FOR CERTIFICATE OR MODIFICATION THERETO AND EXTENSIONS THEREOF.

Any application for a certificate of need under section 22-21-265, for a modification thereto or for an extension thereof shall be made in written form and shall include such information and supporting data relevant to the merits of the application as may be prescribed by the approved rules and regulations of the state board of health SHPDA. The application shall be filed with the state board of health SHPDA and the local health systems agency not less than 90 days prior to the date of the proposed obligation for the capital expenditure or the inauguration of the proposed service.

Section 8. SAME—EMERGENCY CERTIFICATE PRIOR TO HEARING.

Any person may apply, either independently and without notice under section 22-21-267 or as a part of an application filed under section 22-21-267, for an emergency certificate of need for the authorization of capital expenditures made necessary by unforeseen events which endanger the health and safety of the patients. Emergency capital expenditures include, but are not necessarily limited to, emergency expenditures to maintain quality care, to overcome failure of fixed equipment, including heating and air conditioning equipment, elevators, electrical transformers and switch gear, sterilization equipment, emergency generators, water supply and other utility connections. Applications for emergency certificates of need shall include a description of the work to be done and/or equipment to be purchased, the cost thereof, justification for considering the capital expenditure as being of an emergency nature and such other information as the state board of health SHPDA may require. Emergency certificates of need issued hereunder shall be subject to such special limitations and restrictions as the duration and right of extension or renewal as may be prescribed in the rules and regulations adopted by the state board of health SHPDA.

Section 9. CERTIFICATE OF NEED FOR PLANNING.

A certificate of need for planning shall be required when the cost of planning, predevelopmental and developmental activities, including studies, surveys, designs, feasibility reports, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the physical plant or equipment with respect to which such expenditures are made if the proposed expenditure for such planning, predevelopmental and developmental activities will exceed \$100,000.00 \$300,000.00. A certificate of need for planning shall be limited to the planning, predevelopmental and developmental activities and shall not include approval for actual construction, purchase of equipment and acquisition of the proposed facility or service. No tax funds as a result of this planning certificate of need can be used for any activities relating to advertising or promotion of persuading the public to aid or defeat the acquisition or relocation of a medical facility. Issuance of a certificate of need for planning shall not be construed as binding upon the state board of health SHPDA for issuance of a certificate of need for the proposed new institutional health service.

Section 10. SAME—PERIOD FOR WHICH VALID; EXTENSION OF TIME; TERMINATION; NONTRANSFERABLE.

(a) A certificate of need issued under subsection (a) of section 22-21-265 and sections 22-21-268 and 22-21-269 shall be valid for a period not to exceed 12 months and may be subject to one extension not to exceed six twelve months, provided the criteria for extension as set forth in the rules and regulations of the state board of health SHPDA are met. If no obligation has occurred within such period, the certificate of need shall be considered terminated and shall be null and void. Should the obligation be incurred within such valid period, the certificate of need shall be continued in effect for a period not to exceed one year or the completion of the construction project, whichever shall be later, or the inauguration of the service or the actual purchase or equipment.

(b) Failure to commence the construction project within the time period stated in the construction contract or within one year after issuance of the certificate of need, or to complete the construction project within the time period specified, shall render the certificate of need null and void. However, the state board SHPDA may continue the certificate of need in force if it can be shown that the construction work has not ceased or otherwise been stopped for a period not to exceed two consecutive months during the specified construction period for causes beyond the control of the applicant.

(c) Applicants who held valid certificates of need which were terminated under this section may file a new application for a certificate pursuant to and subject to the provisions of this article.

(d) Upon completion of the construction and issuance of a certificate of completion or the receipt of proof of purchase of equipment, the certificate of need shall be continued in force and effect.

(e) Certificates of need shall not never be transferable, or assignable, or convertible and shall be valid solely to the person and purpose named thereon.

Section 11. SAME—APPLICATION FEES; APPROPRIATION OF FUNDS; DISPOSITION OF FEES.

(a) Each application for a certificate of need shall be accompanied by a fee of one tenth one half of one percent of the estimated cost of the proposed cost of the new institutional health service, or a minimum of of \$100.00 and or a maximum of \$1,000.00 \$4,000.00 per application. Fees shall be used for the purpose of defraying the lawful operating expense of the certificate of need program conducted by the state board of health SHPDA and of the health facilities review council state health coordinating council.

(b) Application fees collected for issuance of a certificate of need for planning shall be deducted from the fee required for the certificate of need for the actual construction work planned as a result of the certificate of need for planning.

(c) Each application for a certificate of need for an existing health facility or service filed under the provisions of subsection (b) of section 22-21-265 shall be accompanied by a fee of \$50.00.

(c) (d) There is hereby authorized to be appropriated from the general funds of the state of Alabama such amounts as may be necessary from time to time to defray the costs of administering this article over and above such fees as may be collected under this section.

(d) (e) Application fees collected under this article shall not be refundable. Fees collected under this article are hereby appropriated for the purposes stated in this article.

(e) (f) All fees collected under this article shall be retained in a separate fund for the purpose of enforcing and administering this article, and shall be disbursed as other funds of the state are disbursed.

Section 11. SAME—CONTRACTS FOR REVIEW AND RECOMMENDATIONS CONCERNING APPLICATIONS.

The state health planning and development agency shall enter into contractual agreements with health system agencies for review and recommendation of applications for certificates of need. Payment for contractual review and recommendation services may be made from funds derived from section 22-21-271.

Section 12. ADOPTION AND PUBLIC NOTICE OF REVIEW PROCEDURES AND CRITERIA.

The state board of health SHPDA, with the advice and consultation of the statewide health coordinating council, and after considering the recommendations of the new health systems agencies, shall prescribe by rules and regulations the review criteria and review procedures required by this article. Said review criteria and review procedures shall be consistent with the provisions of this article and with appropriate federal regulations adopted under the authority of PL 93-641. Prior to the adoption of rules and regulations, the state board of health SHPDA shall give wide publicity to the proposed rules and regulations and shall conduct a public hearing following legal notice of not less than 30 days. The public hearing shall be held in the city of Montgomery, Alabama. Prior to advertising the public hearing, the state board of health SHPDA shall submit the proposed rules and regulations to the health systems agencies, the statewide health coordinating council and other interested agencies. Future revisions of the rules and regulations shall be made as required in this section for the original rules and regulations and in accordance with the Administrative Procedures Act.

Section 13. PROCEDURES FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF NEED.

The state board of health SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the procedures for review of applications for certificates of need and for issuance of certificates of need. Rules and regulations governing review procedures shall include, but not necessarily be limited to, the following:

(1) Agreement with the health systems agencies and other review agencies for review procedures consistent with this article and federal regulations.

(2) Application procedures and forms of the application necessary to elicit and provide all necessary information as required by the review criteria.

(3) Establishment of a project review period of 90 days from the date the state agency determines that the application is complete and notification thereof is made to the applicant. The rules and regulations may provide for a period of not more than 15 days for determination of the completeness of the application, notification of the beginning and termination dates of the project review period and criteria for determining by the state agency of an extension of the project review period not to exceed 30 days with or without the consent of the applicant. An extension of the review period without limitation may be made with the written consent of the applicant. All reviews must be completed prior to the termination of the review period. If the state agency does

not make a decision within the period of time specified for state agency review, the proposal shall be deemed to have been found not to be needed.

(4) Provision for a "nonsubstantive" review which shall be a modified review applicable to proposals for capital expenditures up to \$500,000.00 and which:

- a. Do not result in a substantial change in a service; or
- b. Propose equipment to up-grade or expand an existing service; or
- c. Increase the bed capacity by not more than 10 percent of the existing bed capacity; provided, that such increase in bed capacity is consistent with the state medical facilities health plan.

(5) Public notification of receipt of application, review periods, public hearings, meetings of the state committee of public health, acting as the state board of health, decisions of the state agency, fair hearings if requested and final decisions regarding a certificate of need.

(6) Public hearings on the application for the certificate of need. The state board of health SHPDA and the health systems agency shall make provisions for a public hearing in the course of agency review if requested by one or more persons directly affected by the review. These hearings may be held by the health systems agency on behalf of itself and the state board of health under agreement between the two agencies. However, such joint public hearings shall not deprive the applicant of his right to a hearing before the state committee of public health.

(7) Schedule for reviews to include hearings before the review agencies, beginning and ending of review periods and time of the review period as provided in this section.

(8) Provision of the applicant to submit such information that he may deem advisable in justification of the application over and above the minimum information required by this article and the regulations adopted hereunder.

(9) Provisions for periodic reports by the health provider or applicant respecting the development of the proposal subject to review and for which a certificate of need is issued.

(10) Provisions for written findings, as appropriate, which the state used as the basis for its decision or any recommendation of the state agency. Such findings and recommendations shall be available provided to the applicant and available to other interested persons upon request and upon payment of a reasonable fee to cover actual costs of reproduction and handling.

(11) Notification upon request of providers of health services and other persons subject to review of findings, recommendations and decisions made under this article.

(12) Provision for a public hearing upon written request and for good cause by any person for the reconsideration of a decision by the state board of health SHPDA. Request for a public hearing shall be made in writing not more than 30 days subsequent to the date of the decision and shall have the effect of holding in abeyance the final decision subject to the outcome of the public hearing.

(13) Provision that no decision of the state board of health SHPDA under this article shall be deemed final until 31 days following the date of the decision.

(14) Provisions that any adverse decision of the state board of health of any decision of the state board of health is inconsistent with the recommendations of the health systems agency may be appealed to an agency of the state (other than the state board of health SHPDA) designated by the governor. The appeal proceedings shall be conducted pursuant to the requirements of the state of Alabama, regulations adopted under this article and federal regulations. Request for a fair hearing by the health systems agency or applicant shall be made within 30 days of the decision by the state agency and shall have the effect of holding in abeyance the decision subject to the outcome of the fair hearing. The decision of the appeals agency shall be considered the final decision of the state agency; provided, that the applicant or the health systems agency may appeal the decision to the circuit court of the county in which the applicant resides or of the county in which the applicant is situated.

(15) Preparation and publication, at least annually, of reports by the state agency to the review being conducted, decision reached, certificates issued and status of proposals.

(16) Access by the general public to applications reviewed by the state board of health SHPDA and to other written material pertinent to the review.

(17) Provisions for letters of intent in the case of construction projects by persons proposing such projects. Letters of intent shall be in such detail as the state board of health SHPDA may direct by regulations. Letters of intent shall not substitute for the formal application for a certificate of need as provided in this article.

(18) Provision that the review procedure may vary according to the purpose for which a particular review is being conducted and/or the nature and type of service or expenditure proposed.

Section 14. INJUNCTIVE RELIEF; ISSUANCE OF LICENSE FOR IN-PATIENT BEDS OR FACILITIES IN VIOLATION OF ARTICLE PROHIBITED; FACILITIES IN VIOLATION OF ARTICLE NOT TO RECEIVE REIMBURSEMENT FOR SERVICES.

(a) Injunctive relief against violations of this article or any reasonable rules and regulations of the state board of health SHPDA may be obtained from the circuit court of Montgomery County, Alabama, at the instance of the state board of health SHPDA, any holder of a certificate of need that is adversely affected in the exercise of privileges thereunder by such violation or any member of the public directly and adversely affected by such violation. Upon written request by the state board of health SHPDA, it shall be the duty of the attorney general of the state of Alabama to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

(b) The state board of health shall not issue a license to operate new in-patient beds or any health care facility constructed, or acquired or operated in violation of this article. and without a certificate of need issued pursuant to this article.

(c) Any facility or service provided or constructed in violation of this article and without a certificate of need shall not receive reimbursement for services rendered by the health care facility or for the service provided by the facility which is provided in violation of said article without a certificate of need. This provision applies to all reimbursement programs administered by the state of Alabama. Recommendations will be made to other reimbursing agencies that reimbursement be denied.

Section 15. ARTICLE CUMULATIVE; CONFLICTING LAWS.

The provisions of this article are cumulative and, insofar as possible, they shall be construed in *pari materia* with other laws relating to public health. Nevertheless, all laws or parts of laws which conflict with this article are repealed.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Holmes	Martin	Taylor
Bailey	Keener	McDonald	Teague (B)
Callahan	Kirkland	Miller	Teague (J)
deGraffenried	Lemaster	Mitchem	Weeks
Harrison	Little	Smith	White

—19

Nays:

—0

And said Bill, S. B. 81, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Kirkland	Miller	Teague (B)
Bailey	Lemaster	Mitchem	Teague (J)
Callahan	Little	Smith	Weeks
Harrison	Martin	Taylor	White
Holmes			

—16

Nays:

—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 74. To amend Section 24-1-22, Code of Alabama 1975, which provides for definitions for Article 1, Title 24, on municipal housing authorities, so as to further define the terms "city clerk and mayor."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Holmes	McDonald	Smith
Bailey	Keener	Miller	Taylor
Callahan	Kirkland	Mitchem	Teague (B)
deGraffenried	Lemaster	St. John	Weeks
Harrison	Little		

—17

Nays:

—0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTION

Mr. Teague (B) offered the following Senate Resolution, to-wit:

S. R. 28. COMMENDING AND CONGRATULATING MISS STEPHANIE R. HIX OF MONTGOMERY, MISS ALABAMA TEENAGER, 1982.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 1. To amend Sections 11-88-3, 11-88-8, 11-88-11 and 11-88-21 of the CODE OF ALABAMA 1975 so as to make additional provisions respecting incorporation of authorities thereunder, to make certain provisions with respect to the interest and method and time of computing and paying interest on bonds, to specify the use of proceeds of bonds and the source of payment thereof, to exempt certain transactions from review or control by any other public agency and to provide that the provisions of this act are severable.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Taylor	
Bailey	Holmes	Miller	Teague (B)	
deGraffenried	Kirkland	Mitchem	Weeks	
Denton	Lemaster	Smith	White	
Harrison	Little			—17

Nays: —0

And the President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 55. To provide certain additional powers and make provisions with respect to authorities organized pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975, and the counties that make findings with respect to the organization of such authorities, including the power to invest moneys of such an authority and apply or assign the income therefrom, to sell or lease all or any part of its systems or grant options to purchase with respect thereto, to loan or advance its moneys to finance the construction of a system or a part thereof, to exempt any system or facility leased or subleased to or operated or managed by any determining county, whether, the lease or sublease be by such an authority or any private party, from all state, county and other taxes, including ad valorem taxes, regardless of the entity that shall hold legal title to such system or facility or any remainder or reversionary interest therein, to exempt any transaction to which any such authority or a determining county is a party from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975, to make certain

provisions with respect to rendition of service to citizens of municipalities where no franchise has been granted, to authorize the issuance of temporary obligations by such an authority, to permit such counties to lease or sublease property from such an authority or its vendee or subleasee or lessee, and to manage and operate the same, and to provide that the provisions of this act are severable.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Keener	Mitchem	Teague (B)	
deGraffenried	Kirkland	Parsons	Teague (J)	
Harrison	Lemaster	St. John	Weeks	
Higginbotham	Martin	Smith	White	
Holmes	Miller	Taylor		—18

Nays: —0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 8. CREATING THE COMMITTEE ON THE BOARD OF CORRECTIONS CAPITAL OUTLAY.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

ADJOURNMENT

At 2:50 P.M., Mr. Weeks moved that the Senate adjourn until Thursday, July 1, 1982, at 9:55 A.M.

Mr. St. John offered a substitute motion that the Senate adjourn until Wednesday, June 30, 1982, at 4 o'clock P.M., which motion was adopted.

Yeas 13; Nays 12.

Yeas:

Messrs.:	Lemaster	Mitchem	Smith	
Gulledge	Little	Robertson	Teague (B)	
Higginbotham	Martin	St. John	White	
Holmes	Miller			—13

Nays:

Messrs.:	Denton	Kirkland	Taylor	
Bailey	Hilliard	McDonald	Teague (J)	
Callahan	Keener	Parsons	Weeks	
deGraffenried				—12

NINTH LEGISLATIVE DAY

WEDNESDAY, JUNE 30, 1982

(The Senate was not in session on the Fifth, Sixth, Seventh, and Eighth Legislative Days.)

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Honorable Wallace Miller, Twenty-Fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Hall	Little	St. John
Bailey	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague (B)
Cook	Hilliard	Miller	Teague (J)
deGraffenried	Holmes	Mitchem	Vacca
Figures	Keener	Parsons	Weeks
Goodwin	Kirkland	Pearson	White
Gulledge	Lemaster	Robertson	

—30

JOURNAL

On motion of Mr. White, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. White, leave of absence was granted Messrs. Britnell, Denton, Glass, Proctor, and Smith for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. DESIGNATING JULY 4, 1982, AS "BILL MONROE DAY" IN ALABAMA.

Also:

S. J. R. 12. WELCOMING THE "BIRMINGHAM STALLIONS" AS ONE OF TWELVE FRANCHISE TEAMS OF THE NEW UNITED STATES FOOTBALL LEAGUE.

Also:

S. J. R. 13. HONORING WALTER R. BYARS OF MONTGOMERY FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

Also:

S. J. R. 14. CONGRATULATING MARY JAMIE HENDRIX OF RAINSVILLE, ALABAMA, FIRST RUNNER-UP IN THE 1982 AMERICA'S JUNIOR MISS PAGEANT.

Also:

S. J. R. 17. COMMENDING NORM AND JERRY BRUNTON OF SCOTTSBORO, ALABAMA, FOR THEIR EFFORTS IN CREATING "BRUNTON'S BED AND BREAKFAST" AGENCY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 8. CREATING THE COMMITTEE ON THE BOARD OF CORRECTIONS CAPITAL OUTLAY.

Also:

H. J. R. 21. COMMENDING THE LIMESTONE COUNTY SCHOOLS FOR EXCELLENCE OF ACHIEVEMENT.

Also:

H. J. R. 23. COMMENDING WAYNE ABLE OF MOBILE, ALABAMA AS "NATIONAL HOME RUN KING" OF HIGH SCHOOL BASEBALL.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Mr. deGraffenried offered the following Senate Resolution, to-wit:

S. R. 29. IN POSTHUMOUS RECOGNITION OF A DOG NAMED CLYDE, A TRUE CHAMPION AND A BIRD DOG OF LEGENDARY FAME.

Which was adopted.

Mr. deGraffenried then offered the following Senate Resolution, to-wit:

S. R. 30. SETTING MEETING DAY OF THE SENATE.

BE IT RESOLVED BY THE SENATE OF ALABAMA That when we adjourn today, June 30, 1982, we adjourn to meet again on Thursday, July 1, 1982, at 11:00 A.M.

Which was adopted.

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. NAMING S. B. 23 THE "BOBBY DENTON TEXT-BOOK BILL."

WHEREAS, Senator Bobby Denton of Tuscumbia, Alabama, was instrumental in the support and passage of Senate Bill 23 which provides for increasing the membership of the State school textbooks committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 23 of the Second Special Session of 1982 be named the "Bobby Denton Textbook Bill."

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama A & M University Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Eleanor Unger Inge (replaced Mrs. Sage Lyons, Mobile), 102 Hillwood Road, Mobile, Alabama 36608, Term expires: 1/31/88

Mr. W. Troy Massey (replaced Rev. Jesse McCloud), 3516 Southmont Drive, Montgomery, Alabama 36105, Term expires: 1/31/88

Mr. Eddie G. Player (replaced Mrs. Loma Mayfield), 1309 West Battle Street, Talladega, Alabama 35160, Term expires: 1/31/88

as members of the Alabama A & M University Board of Trustees.

Respectfully,

FOB JAMES,
Governor.

Done this 30th day of June, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama A & M University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Real Estate Commission.

Respectfully submitted,

BOB A. DAVIS,
State Administrations Officer.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. E. B. Odom, Jr., (was confirmed on 8/18/81 for term expiring Sept. 30, 1984: should have been September 30, 1986.)

as a member of the Alabama Real Estate Commission.

Respectfully,

FOB JAMES,
Governor.

Done this 30th day of June, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama Surface Mining Commission.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Thomas A. Simpson (New Board), P. O. Box 1468, Mineral Engineering Department, University, Alabama 35486, Term expires: 6/30/86

Dr. David J. Roland (New Board), President, Walker College, Jasper, Alabama 35501, Term expires: 6/30/86

Dr. Wilbur B. DeVall (New Board), Professor Emeritus of Forestry, Auburn University, Auburn University, Alabama 36489, Term expires: 6/30/85

Mr. John Morrison (New Board), Lookout Mountain, Christian Conference Center, Mentone, Alabama 35984, Term expires: 6/30/85

Mr. W. Alan Summers (New Board), P. O. Box 2389, Jasper, Alabama 35501, Term expires: 6/30/87

Mr. John W. Cardwell, Jr. (New Board), Drennan Cadillac, 325 South 20th Street, Birmingham, Alabama 35233, Term expires: 6/30/87

Mr. Archie Phillips (New Board), 216 4th Street, Pleasant Grove, Alabama 35217, Term expires: 6/30/84

as members of the Alabama Surface Mining Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 30th day of June, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Surface Mining Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Environmental Management Commission.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Russell Riley (New Board), 575 Cross Creek Road, Auburn, Alabama 36830, Term expires: 9/30/88

Dr. Claire B. Elliott (New Board), Baptist Medical Center, 800 Montclair Road, Birmingham, Alabama 35213, Term expires: 9/30/88

Dr. Margaret Cameron McDonald (New Board), 403-1200 Beacon Parkway, East, Birmingham, Alabama 35209, Term expires: 9/30/88

as members of the Environmental Management Commission.

Respectfully,
FOB JAMES,
Governor.

Done this 30th day of June, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Environmental Management Commission, was read and referred to the Standing Committee on Rules,

MESSAGE FROM THE LIEUTENANT GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Lieutenant Governor relative to an appointment to the Environmental Management Commission.

Respectfully submitted,
PEGGY J. DAVIS,
Executive Assistant.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

The Honorable Dewey White, 16 Spring Street, Birmingham, Alabama
35213

as a member of the Environmental Management Commission for the term
expiring September 30, 1986.

Respectfully,
GEORGE D. H. McMILLAN, JR.,
Lieutenant Governor.

Done this 30th day of June, 1982.

LIEUTENANT GOVERNOR'S MESSAGE

The foregoing Message from the Lieutenant Governor, relative to an
appointment to the Environmental Management Commission, was read and
referred to the Standing Committee on Rules.

MESSAGE FROM THE LIEUTENANT GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Lieutenant Governor
relative to an appointment to the Environmental Management Commission.

Respectfully submitted,
PEGGY J. DAVIS,
Executive Assistant.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Stanley L. Graves, One Walnut Road, Sylacauga, Alabama 35150
as a member of the Environmental Management Commission for the term
expiring September 30, 1984.

Respectfully,
GEORGE D. H. McMILLAN, JR.,
Lieutenant Governor.

Done this 30th day of June, 1982.

LIEUTENANT GOVERNOR'S MESSAGE

The foregoing Message from the Lieutenant Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Pensions and Security.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 30th day of June, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. John Nixon*, 1728 29th Street, West, Birmingham, Alabama, Term expires: August 28, 1987

as a member of the Board of Pensions and Security.

Respectfully,
FOB JAMES,
Governor.

Done this 30th day of June, 1982.

* Sent up on March 18th, 1982: Mr. John W. Nixon, Jr. (Should have been Dr. John Nixon)

Confirmed as Mr. John W. Nixon, Jr.

Typographical error in Mr.—should have been Dr. and he is not a Jr.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Pensions and Security, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carter and Smith (J):

H. J. R. 48. ORDERING COMMISSIONER OF REVENUE RALPH EAGERTON TO ISSUE DISTINCTIVE LICENSE PLATES FOR DISABLED VETERANS.

Also:

By Rep. Hammett:

H. J. R. 49. COMMENDING MISS MAGGIE RODGERS, OF ANDALUSIA ON OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Sasser:

H. J. R. 50. COMMENDING MR. CURTIS BULL FOR OUTSTANDING SERVICE TO ALABAMA AVIATION AND TECHNICAL COLLEGE.

Also:

By Rep. Bedsole:

H. J. R. 52. COMMENDING THE MOBILE COUNTY CIVIL DEFENSE OFFICE FOR ITS NATIONAL RECOGNITION AS ONE OF THE MOST OUTSTANDING AGENCIES IN THE UNITED STATES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolutions, H. J. R. 's 48 and 52, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 49, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 50, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

SECOND EXTRAORDINARY SESSION
9th Day

99

Appointments of Messrs. Bob Williams, Larry Campbell, and Dan McCoy to the State Athletic Commission.

On motion of Mr. McDonald, the appointment of Mr. Williams was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Taylor
Bailey	Kirkland	Miller	Teague (B)
Cook	Lemaster	Mitchem	Vacca
Gulledge	Little	Robertson	White
Harrison	Martin	St. John	
			—18

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Campbell was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Taylor
Bailey	Kirkland	Miller	Teague (B)
Cook	Lemaster	Mitchem	Vacca
Gulledge	Little	Robertson	White
Harrison	Martin	St. John	
			—18

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. McCoy was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Taylor
Bailey	Kirkland	Miller	Teague (B)
Cook	Lemaster	Mitchem	Vacca
Gulledge	Little	Robertson	White
Harrison	Martin	St. John	
			—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 58. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS.

WHEREAS, the Justices of the Supreme Court of Alabama on a former occasion advised the Legislature in an Opinion of the Justices, No. 177, 275 Ala. 372, 1963, that there is no constitutional impediment in the same Legislature at a succeeding session changing the date for holding the election on a proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the constitutional amendments proposed by Acts 82-171, H. B. 652; 82-299, H. B. 689; and 82-332, S. B. 110, shall be presented to the voters at an election to be held on September 7, 1982.

The constitutional amendments proposed by Acts 82-78; H. B. 54; 82-100, S. B. 328; 82-151, H. B. 574; 82-200, H. B. 651; 82-201, H. B. 48; 82-202, S. B. 454; 82-329, S. B. 546; 82-333, S. B. 502; 82-215, H. B. 741; 82-216, H. B. 742; 82-217, H. B. 760; and 82-630, H. B. 94 shall be presented to the voters at an election to be held on September 28, 1982.

The constitutional amendments proposed by Acts 82-300, S. B. 302; 82-330, S. B. 468; 82-331, H. B. 616; 82-96, H. B. 473; and 82-214, H. B. 734 shall be presented to the voters at an election to be held on November 2, 1982.

BE IT FURTHER RESOLVED, That all constitutional amendments not enumerated herein shall be presented to the voters on November 2, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 58, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 32. COMMENDING FORMER LONGTIME CITY COUNCILMAN NORMAN M. LASSITTER OF SILVERHILL, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 61. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner and Clark (W):

H. J. R. 27. NAMING THE NEW MOUNT VERNON ELEMENTARY SCHOOL, THE "GARTMAN AND HILL ELEMENTARY SCHOOL."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the contributions of Mr. John Allen Gartman and Mr. James Hill, we hereby name and designate the new Mount Vernon Elementary School as the "Gartman and Hill Elementary School."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said school as the "Gartman and Hill Elementary School."

RESOLVED FURTHER, That Mr. Gartman and Mr. Hill receive copies of this resolution as a memento of this honorary designation and in appreciation for their instrumental efforts in the establishment of said school.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 27, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 32. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that when the House adjourns on Wednesday, June 23, 1982, it will meet again on Tuesday, June 29th, 1982, and that the Senate when it adjourns on Wednesday, June 23, 1982 will meet again on Thursday, June 24, 1982, and when it adjourns on Thursday, June 24, 1982 it will meet again on Tuesday, June 29, 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 32, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ward, Grouby, Laird, Smith (C), Grimsley, Harper (O), Sandusky, Blake, Dial, Dixon, Edwards, Venable, Parker, Carothers, Holley, Whatley, Stout, Naramore, Owens, Johnson (R. G.), Moore, Brakefield, Carter, Goodwin, Gilmer, Olive, Trammell, Adams (H), Willis, Pegues, Shoemaker, Cabaniss, McKee, Biddle, Turner, McCorquodale, Letson, McMillan, Daniels, Cates, Williams, Adams (C), Crow, Minus, Sasser, Ray, Wyatt, Warren, Manley, Penry, Hammett, Gafford, Clark (G), Hines, Stewart, Waggoner, Johnson (Roy), Escott, Cheatwood and Kennedy:

H. 51. To provide for a prayer that may be given in the public schools and educational institutions of this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 51. To the Committee on Education.

RESOLUTION

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING AND CONGRATULATING
REGINALD HAWK AND RAMONA FLOWERS, AS 1982 KING AND
QUEEN OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN,
ALABAMA.

WHEREAS, the Alabama Legislature extends warm congratulations to the 1982 King and Queen of the Hawk-Houston Boys Club of Dothan, Alabama; and

WHEREAS, young King Reginald Hawk, the son of Mrs. Chrisiana Hawk and the late William W. Hawk, and Queen Romona Flowers, daughter of Mr. and Mrs. James Vickers, were selected on the basis of having raised the most funds, a total of \$351.68, for the benefit of the Boys Club; and

WHEREAS, these two outstanding young citizens are indeed to be commended for their community spirit and for their willingness to contribute to a better quality of life for the youth of their hometown of Dothan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend young Reginald Hawk and Ramona Flowers of Dothan, Alabama, 1982 King and Queen of the Hawk-Houston Boys Club.

BE IT FURTHER RESOLVED, That King Reginald and Queen Ramona each receive a copy of this resolution in declaration of our warm personal regard and of best wishes for every future success.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 24. To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Committee so as to increase said membership.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to the provisions of Senate Bill 47, 1982 Regular Session, the following named have been appointed by the Speaker, subject to your approval, to serve as members of the Environmental Management Commission: Tom DeBray: Two year term and, F. Ernest Farnell: Four year term.

JOHN W. PEMBERTON,
Clerk.

SPEAKER'S MESSAGE

The foregoing Message from the Speaker of the House, relative to appointments to the Environmental Management Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 35. COMMENDING RONALD E. HENDERSON, M. D. UPON HIS ELECTION TO THE AMA COUNCIL ON MEDICAL SERVICE.

Also:

By Rep. Stewart:

H. J. R. 42. COMMENDING THE REVEREND ALEX BARRAUD HANSON, JR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolutions, H. J. R.'s 35 and 42, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Stewart:

H. J. R. 29. COMMENDING CAPTAIN THURE G. ECKART FOR OUTSTANDING ACCOMPLISHMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 29, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. URGING THE VARIOUS COUNTY COMMISSIONS TO REDUCE THE LOCAL TAX BURDEN.

WHEREAS, The Legislature of Alabama notes the economic plight of the citizens of our State; and

WHEREAS, Currently Alabama is suffering through the highest rate of unemployment in recent history and extreme rates of interest which have resulted in a disastrous situation; and

WHEREAS, The answer to the monetary situation does not lie in the imposition of any new or the increase of any existing taxes; and

WHEREAS, The reappraisal of all real property for ad valorem taxes will burden our citizens with an additional tax liability; and

WHEREAS, It is our belief that the various county commissions and local taxing authorities should be able to ascertain what effect the impending tax appraisal will have on the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all county commissions and local taxing authorities to immediately reduce city and county millage rates in such amounts as to alleviate the extreme economic condition imposed upon the citizenry of the State of Alabama.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the national Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replacement for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 3,200 welfare recipients in becoming wage earning members of society in fiscal year 1981; and

WHEREAS, the Work Incentive Program has suffered budget reductions causing a decrease of over 33% in service capability since October 1, 1981; and

WHEREAS, the Alabama Work Incentive Program returned more than \$7.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1981; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to restore the Work Incentive Program to a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners and provide for its continuation as prescribed by Law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U.S. Congressional Delegation.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague (B) offered the following Senate Resolution, to-wit:

S. R. 36. COMMENDING MR. JAMES R. VANCE, JR., OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Which was adopted.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill

and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (with notice and proof):

S. 99. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract the use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance

of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (with notice and proof):

S. 83. To authorize Class 1, 2, 3, 4, 5 or 6 municipalities incorporated in this state and situated in a county having a population of 600,000 or more according to the last federal decennial census to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

By Mr. Hilliard (with notice and proof):

S. 84. To authorize incorporated municipalities situated within or partially within counties of 600,000 population or more according to the last and any future federal decennial census authorized to annex territory situated in such counties which is enclosed or substantially enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory; prescribing procedures for municipal ad valorem taxation of such territory.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Goodwin, Cook, Robertson and Miller:

S. 14. To amend Section 40-9-19, Code of Alabama 1975, relating to homestead exemption from state ad valorem taxes, so as to provide further therefor; and to make the provisions retroactively effective.

By Messrs. Goodwin and Miller:

S. 15. To provide that if reappraisal tax revenue exceeds a certain percent, the county governing body shall adjust said tax rate.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland (With Amendment):

S. 51. To amend Section 34-32-19, Code of Alabama 1975, which relates to a separate state fund for the state board of registration for professional soil classifiers, so as to provide for the annual automatic appropriation of such funds to the board for its use.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 8. To provide for a prayer that may be given in the public schools and educational institutions of this state.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 11. Relating to Escambia County, to provide for an advisory referendum on the question of the method of electing members of the county commission.

Also:

S. 4. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Little and Teague (B):

S. 100. Relating to marital and domestic relations; prescribing a certain minimum time limitation which courts must adhere to when granting final decrees for divorce.

Committee on Health and Welfare.

BILLS ON THIRD READING

The Bill:

S. 45. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Keener	McDonald	Taylor	
Cook	Kirkland	Miller	Teague (B)	
deGraffenried	Lemaster	Mitchem	Vacca	
Hall	Little	Parsons	White	
Holmes	Martin	St. John		—18

Nay: Mr. Harrison. —1

The Bill:

S. 94. To direct the commissioner of revenue to defer the implementation of the new property tax reassessment plan, recently promulgated, for one year.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	St. John	
Bailey	Holmes	McDonald	Taylor	
Cook	Keener	Miller	Teague (B)	
Goodwin	Kirkland	Mitchem	Vacca	
Hall	Lemaster	Parsons	Weeks	
Harrison	Little	Robertson		—22

Nays: —0

The Bill:

S. 52. To provide a procedure whereby certain local governing bodies in this state may withdraw, from a certain protest account in the state treasury, their shares of certain collected taxes or revenues while litigation is pending on the validity of the Acts which levied such taxes for such revenues.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Taylor	
Bailey	Holmes	McDonald	Vacca	
deGraffenried	Kirkland	Miller	Weeks	
Hall	Lemaster	Mitchem	White	
Harrison	Little	St. John		—18

Nays: —0

The Bill:

S. 54. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Bailey	Higginbotham	McDonald	Teague (B)	
deGraffenried	Holmes	Miller	Vacca	
Goodwin	Lemaster	Robertson	Weeks	
Gulledge	Little	St. John	White	—19

Nays: —0

The Bill:

S. 56. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultry.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Holmes	McDonald	Taylor	
Bailey	Keener	Miller	Teague (B)	
deGraffenried	Kirkland	Mitchem	Vacca	
Goodwin	Lemaster	Parsons	Weeks	
Harrison	Little	St. John	White	
Higginbotham	Martin			—21

Nays: —0

The Bill:

S. 57. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Holmes	McDonald	Taylor	
Bailey	Kirkland	Miller	Teague (B)	
deGraffenried	Lemaster	Mitchem	Vacca	
Goodwin	Little	Robertson	Weeks	
Hall	Martin	St. John		—18

Nays: —0

The Bill:

S. 77. To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to grant franchises and regulate such franchises in certain counties; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Bailey	Higginbotham	McDonald	Teague (B)	
deGraffenried	Holmes	Miller	Vacca	
Goodwin	Lemaster	Parsons	Weeks	
Gulledge	Little			—17

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Sandusky:

H. 15. To provide for issuance of a permit by the state fire marshal to a fire protection sprinkler contractor, which said permit must first be presented to the local building official before being allowed to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water spray systems; to require testing by the state fire marshal of the competency of an individual who is the owner, partner, officer, or in a management position of the fire protection sprinkler contractor; to prescribe fees for permits issued pursuant to this act; to provide for funds collected pursuant to this act to be deposited in the state fire marshal's fund now authorized by section 24-5-10, Code of Alabama 1975; to prescribe civil penalties for violation of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 15. To the Committee on Commerce, Transportation, and Utilities.

BILLS ON THIRD READING RESUMED

The Bill:

S. 60. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

was taken up.

On motion of Mr. Goodwin, further consideration of the Bill, S. B. 60, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 6. Relating only to Sumter County, to further provide for the distribution of the tax levied by Act No. 82-344, Acts of Alabama, Regular Session 1982.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Minus, Manley and Clark (G):

H. 7. To propose an amendment to the Constitution of Alabama, 1901, to provide that Sumter, Choctaw, Greene, Hale, Pickens, Wilcox, Perry,

Dallas and Marengo Counties shall be exempt from certain provisions of Act No. 82-407, H. 80 of the 1982 Regular Session, which relate to fees and hunting period for certain residents and nonresidents, and it provides further therefor.

Also:

By Rep. Waggoner (with notice and proof):

H. 57. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 57, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 6, 7, and 57. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 7, was read a first time at length as required by the Constitution.)

BILLS ON THIRD READING RESUMED

The Bill:

S. 13. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

was taken up.

Mr. Miller offered the following amendment to the Bill, S. B. 13, to-wit:

AMENDMENT TO S. B. 13

On page 2, in line 23, strike the period and insert in lieu thereof:

; provided, however, that any guide hunting service that has been in existence and operating within the State of Alabama during the hunting season immediately preceding the effective date of this act shall be automatically designated as an authorized guide hunting service and shall not be

subject to any rules or regulations promulgated before or after the effective date of this act by the Commissioner of the Department of Conservation and Natural Resources, or the Department or the Conservation Advisory Board, pertaining to guide hunting services in Alabama.

On page 2, line 27, delete the period and insert in lieu thereof:

except those guide hunting services that have been in existence and operating within the state on the effective date of this act.

On motion of Mr. Miller, further consideration of the Bill, S. B. 13, and pending amendment was postponed temporarily.

The Bill:

S. 90. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Yeas:

Messrs.:	Higgindotham	McDonald	Taylor	
Bailey	Holmes	Mitchem	Teague (J)	
deGraffenried	Little	Parsons	Vacca	
Goodwin	Martin	St. John	Weeks	
Hall				—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer (with notice and proof):

H. 24. Relating to Fayette County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 24, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Drinkard:

H. 27. Proposing an amendment to the Constitution of 1901, relating to Etowah County, authorizing the county governing body to provide for fire

fighting districts and services within Etowah County and to maintain such districts.

Also:

By Rep. Ford (with notice and proof):

H. 43. Relating to Etowah County; requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 43, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (with notice and proof):

H. 135. To amend Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts 1973, p. 147), relating to Coffee County, so as to provide further for the qualifications of the county engineer.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 135, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (with notice and proof):

H. 137. To amend Act No. 592, Regular Session, Alabama Legislature, 1953, providing for a civil service system for the City of Anniston in Calhoun County, Alabama by providing further for exemptions from operation of the Act.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 137, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 144. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 144, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 24, 27, 43, 135, 137, and 144. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 27, was read a first time at length as required by the Constitution.)

BILLS ON THIRD READING RESUMED

The Bill:

S. 91. To further regulate the sale and distribution of alcoholic beverages in Colbert County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Hilliard	McDonald	Taylor
Callahan	Holmes	Miller	Teague (J)
Cook	Keener	Mitchem	Vacca
Figures	Kirkland	Parsons	Weeks
Goodwin	Lemaster	Pearson	White
Gulledge	Little		

—25

Nays:

—0

The Bill:

S. 93. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein as of the date they were taken.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	Figures	Gulledge
Bailey	Cook	Goodwin	Hall

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Hilliard	Little	Parsons	Teague (J)	
Holmes	Martin	Pearson	Vacca	
Keener	McDonald	St. John	Weeks	
Kirkland	Miller	Taylor	White	
Lemaster	Mitchem			—25
<i>Nays:</i>				—0

The Bill:

S. 78. To make a conditional appropriation to the Foreign Trade Relations Commission for the fiscal year ending September 30, 1983.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 1.

Yeas:

Messrs.:	Higginbotham	Parsons	Teague (J)	
deGraffenried	Holmes	St. John	Vacca	
Gulledge	Martin	Taylor	Weeks	
Hall	Mitchem			—13

Nay: Mr. Bailey. —1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 44. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	St. John	
deGraffenried	Holmes	McDonald	Teague (J)	
Goodwin	Kirkland	Miller	Vacca	
Harrison	Little	Parsons	Weeks	—15

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 5. Relating to Sumter County; providing further for the compensation of the board of registrars.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Kelley (with notice and proof):

H. 20. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grant, Alabama.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 20, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Adams (C) and Whatley (with notice and proof):

H. 23. Relating to Russell County; increasing the salary of the sheriff effective at the next term of office and repealing Act No. 191, H. 750, 1973 Regular Session (Acts 1973, p. 228).

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 23, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey:

H. 44. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Blount County and for the consolidation of the duties of said offices into a new office.

Also:

By Rep. Hines (with notice and proof):

H. 75. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any

lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 75, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 76. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 76, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 77. Relating to Escambia County; amending Act No. 81-1168, H. 95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which pertains to the Tax Assessor and Tax Collector by amending the provisions of Section 3 of said Act, by deleting in its entirety Section 4 of said Act, and by re-numbering the remaining paragraphs.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 77, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 50. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

I hereby certify that the Notice and Proof is attached to the Bill, H. B. 50, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 105. Relating to Escambia County; providing for the payment, use and distribution of net monies received by Escambia County from severance tax and privilege tax on oil and gas under general or local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended; authorizing certain expenditures from such funds; providing specifically for the allocation of a part of such funds for educational purposes, a part to the Escambia County Industrial Development Authority

and a part for the creation and establishment of the Escambia County courthouse and county jail trust fund; providing for the administration and investment of such fund, the use of the interest thereon for certain improvements on the county courthouse and for the construction and equipment of and supplies for the county jail; and providing for dissolving such fund and the reversion of the remainder thereof to the county general fund; repealing specifically: Act No. 344, H. 679, of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771, of the 1978 Regular Session (Acts 1978, p. 1312); Act No. 612, H. 1141, of the 1978 Regular Session (Acts 1978, p. 869); and Act No. 81-1167, H. 85, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which relate to the distribution and allocation of net funds from severance taxes on oil and gas; and providing different effective dates for the several provisions of the act, including giving certain provisions hereto retroactive effect; and further repealing any and all local laws in conflict with any section of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 105, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 107. Relating to Geneva County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 107, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 106. Relating to Escambia County; providing further for the compensation of the sheriff.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 106, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 5, 20, 23, 44, 75, 76, 77, 105, 107, and 106. To the Committee on Local Legislation No. 1

H. B. 50. To the Committee on Local Legislation No. 2

(The above numbered Bill, H. B. 44, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 20. EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Interim Committee to Study the Operation of All State Cafeterias is hereby extended to the last day of the Second Special Session of 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 20, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Albright, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammott, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 43. MOURNING THE DEATH OF JAMES ANDERSON HALL.

Also:

By Rep. Cosby:

H. J. R. 46. COMMENDING ALABAMA CONGRESSIONAL DELEGATION.

Also:

By Reps. McMillan and Penry:

H. J. R. 47. COMMENDING THE REVEREND DANIEL KEENER CHRISTENBERRY, RECIPIENT OF THE OUTSTANDING TEACHER OF THE YEAR AWARD AND PHI THETA KAPPA HONORARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 43, 46 and 47, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dixon:

H. J. R. 44. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the national Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replacement for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 3,200 welfare recipients in becoming wage earning members of society in fiscal year 1981; and

WHEREAS, the Work Incentive Program has suffered budget reductions causing a decrease of over 33% in service capability since October 1, 1981; and

WHEREAS, the Alabama Work Incentive Program returned more than \$7.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1981; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to restore the Work Incentive Program to a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners and provide for its continuation as prescribed by Law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U.S. Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 44, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 31. TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON REAPPORTIONMENT TO FILE A FISCAL REPORT ON ITS EXPENDITURE OF PUBLIC FUNDS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint legislative committee on reapportionment, created by Act 80-771, S. J. R. 239, 1980 Regular Session, as amended, is hereby required to file a detailed written report on all of its expenditures of public funds with the Clerk of the House and the Secretary of the Senate. The Clerk and the Secretary shall in turn xerox said report and deliver a copy to each member of the House and Senate. Said report shall be filed within 60 days after passage of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 31, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Gilmer and Waggoner:

H. 59. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Also:

By Rep. Owens:

H. 33. To amend Section 11-10-2, Code of Alabama 1975, as amended, which relates to the making of loans by counties in anticipation of taxes so as to increase the allowable amount of such loans and to increase the allowable interest rate on such loans.

Also:

By Rep. Gafford:

H. 54. To create a fund to be known as the Public Employees' Individual Retirement Account Fund. To provide for the eligibility requirements for participation in said fund and to provide for the operation and administration of said fund. To further provide for a limitation on investments.

Also:

By Reps. Cates, Dial, Blake, Crow, Edwards, Willis, Pegues, Carothers, Laird, Grimsley, Holley, Williams, Shoemaker, Sasser, Grouby, Warren, Carter, Stout, Harper (O), Hammett, Penry, Owens, Letson, Clark (G), Venable, Daniels, Ford, McMillan, Hines and Turner:

H. 47. To amend Section 40-3-7, Code of Alabama 1975, relating to the compensation and mileage for members of boards of equalization, so as to provide further therefor; and to make the provisions retroactive.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 59. To the Committee on Education

H. B.'s 33 and 54. To the Committee on Finance and Taxation

H. B. 47. To the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 34. To authorize municipal corporations to levy additional fees and to provide for the use of said fees.

Also:

By Rep. Waggoner:

H. 46. To provide that any retired member of the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama who has selected a survivor option may cancel the survivor allowance payable to his designated beneficiary and name such new beneficiary as he shall nominate to receive a pro rata payment for the number of days said member shall live during the month of his death and to provide that such election to cancel the beneficiary allowance shall be irrevocable.

Also:

By Reps. Lewis, Dial, Stout, Turnham, Harper (O) and Bennett:

H. 125. To amend Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, and Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, so as to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

Also:

By Reps. Warren and Willis:

H. 60. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 34 and 46. To the Committee on Governmental Affairs

H. B. 125. To the Committee on Education

H. B. 60. To the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G) and Bedsole:

H. 103. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which

relate to nonresident hunting licenses, so as to provide further for said licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 103. To the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 40. To define the legislative intent, and to provide for a supplemental appropriation for the fiscal year ending September 30, 1982, from the Game and Fish fund to the Game and Fish Division for the purchase of equipment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 40. To the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McCorquodale, Sasser, Owens, Biddle, Grouby, Warren, Carothers, Waggoner, Hall, Holley, Zoghby, Letson, Dial, Smith (J), Wyatt, Cates, Harper (T), Johnson (R. G.), Crow, Brakefield, Gilmer, Laird, Olive, Carter, Smith (C), Dixon, Hammett, Venable, Ray, McMillan, Cheatwood, Goodwin, Cobb, Shoemaker and Bedsole:

H. 3. To direct the commissioner of revenue to defer the implementation of the new property tax reassessment plan, recently promulgated, for one year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 3. To the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 37. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

Also:

By Rep. Owens:

H. 38. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

Also:

By Rep. Owens:

H. 39. To provide authorization to the Department of Conservation and Natural Resources' Parks Division and Marine Resources Division to spend, out of their respective funds, during the fiscal year ending September 30, 1982, the following amounts for the following purposes: (1) Parks Division — Such funds as are necessary for the maintenance, staff, and repair of the Governor's official beach mansion; (2) Marine Resources Division — Such funds as are necessary for Alabama's pro rate share of the Gulf States Marine Fisheries Commission operating expenses.

Also:

By Rep. Owens:

H. 116. To make a conditional appropriation for the payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency for the fiscal year ending September 30, 1983, from the General Fund of the State Treasury.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 37, 38, 39, and 116. To the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley and Pegues:

H. 80. To propose an amendment to the Constitution of Alabama of 1901 to provide that Marengo County shall be exempt from the provisions of Act No. 82-407, H. 80, of the 1982 Regular Session, which relate to hunting licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 80. To the Committee on Local Legislation No. 1

(The above numbered Bill, H. B. 80, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McCorquodale, Sasser, Hall, Owens, Biddle, Grouby, Warren, Holley, Carothers, Johnson (R. G.), Wyatt, Cates, Grimsley, Howard, Harper (T), Rains, Harper (O), Goodwin and Cobb:

H. 1. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1. To the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Dial, Minus, Shoemaker, Pegues, Johnson (R. G.), Harper (T), McMillan, Venable, Warren, Carothers, Grimsley, Cates, Hall, Wyatt,

Harper (O), Brakefield, Sasser, Grouby, Edwards, Rains, Turner, Gafford, Laird, Cheatwood, Willis, Hammett, Blake, Carter, Gilmer, Cosby, Adams (H), Dixon, Harvey, Ford and Williams:

H. 123. To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 123. To the Committee on Rules.

ADJOURNMENT

At 5:55 P.M., on motion of Mr. deGraffenried, in accordance with Senate Resolution heretofore adopted, the Senate adjourned until Thursday, July 1, 1982, at 11 o'clock A.M.

TENTH LEGISLATIVE DAY

THURSDAY, JULY 1, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles Barden, Pastor, First Church of the Nazarene, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Hilliard	Miller	Teague (B)
Denton	Holmes	Mitchem	Teague (J)
Figures	Keener	Parsons	Vacca
Goodwin	Kirkland	Pearson	Weeks
Gulledge	Lemaster	Robertson	White

—31

JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Bailey, Callahan, Glass, and Proctor for today.

BILLS ON THIRD READING

The Bill:

S. 99. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of

promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes;

to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague (B)	
Cook	Holmes	Parsons	Teague (J)	
Denton	Kirkland	Pearson	Vacca	
Figures	Little	St. John	Weeks	
Goodwin	Martin	Smith	White	
Gulledge	McDonald			—25

Nays: —0

The Bill:

S. 83. To authorize Class 1, 2, 3, 4, 5 or 6 municipalities incorporated in this state and situated in a county having a population of 600,000 or more according to the last federal decennial census to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Holmes	Little
Britnell	Goodwin	Keener	Martin
Cook	Hall	Kirkland	McDonald
Denton	Hilliard	Lemaster	Miller

Mitchem	St. John	Teague (J)	Weeks	
Parsons	Smith	Vacca	White	
Pearson	Taylor			—25
<i>Nays:</i>				—0

The Bill:

S. 84. To authorize incorporated municipalities situated within or partially within counties of 600,000 population or more according to the last and any future federal decennial census authorized to annex territory situated in such counties which is enclosed or substantially enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory; prescribing procedures for municipal ad valorem taxation of such territory.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Cook	Keener	Mitchem	Teague (J)	
Denton	Kirkland	Parsons	Vacca	
Figures	Lemaster	Pearson	Weeks	
Goodwin	Little	St. John	White	
Hall	Martin			—25
<i>Nays:</i>				—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Russell Riley, Dr. Claire B. Elliott, and Dr. Margaret Cameron McDonald to the Environmental Management Commission.

On motion of Mr. McDonald, the appointment of Mr. Riley was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John	
Britnell	Holmes	McDonald	Taylor	
deGraffenried	Keener	Miller	Teague (B)	
Denton	Kirkland	Mitchem	White	
Hall	Little	Robertson		—18
<i>Nays:</i>				—0

On motion of Mr. McDonald, the appointment of Dr. Elliott was confirmed by the Senate.

SECOND EXTRAORDINARY SESSION
10th Day

135

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John	
Britnell	Holmes	McDonald	Taylor	
deGraffenried	Keener	Miller	Teague (B)	
Denton	Kirkland	Mitchem	White	
Hall	Little	Robertson		—18

Nays: —0

On motion of Mr. McDonald, the appointment of Dr. McDonald was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John	
Britnell	Holmes	McDonald	Taylor	
deGraffenried	Keener	Miller	Teague (B)	
Denton	Kirkland	Mitchem	White	
Hall	Little	Robertson		—18

Nays: —0

BILLS RE-REFERRED

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following Bills, H. B.'s 39, 54, 40, 3, and 33, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 39, 54, 40, 3, and 33, re-referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Lieutenant Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of The Honorable Dewey White to the Environmental Management Commission.

On motion of Mr. McDonald, the appointment of Mr. White was confirmed by the Senate.

Yeas 18; Nays 0; Abstaining 1.

Yeas:

Messrs.:	Harrison	Little	Taylor	
Cook	Higginbotham	McDonald	Teague (J)	
deGraffenried	Holmes	Miller	Vacca	
Goodwin	Keener	Mitchem	Weeks	
Hall	Kirkland	St. John		—18

Nays: —0

Abstaining: Mr. White. —1

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Lieutenant Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Stanley L. Graves to the Environmental Management Commission.

On motion of Mr. McDonald, the appointment of Mr. Graves was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Vacca
Hall	Little	Robertson	White

—19

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Speaker's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Messrs. Tom DeBray and F. Ernest Farnell to the Environmental Management Commission.

On motion of Mr. McDonald, the appointment of Mr. DeBray was confirmed by the Senate.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor
Britnell	Keener	Mitchem	Vacca
Hall	Little	Smith	White
Higginbotham	McDonald		

—13

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Farnell was confirmed by the Senate.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor
Britnell	Keener	Mitchem	Vacca
Hall	Little	Smith	White
Higginbotham	McDonald		

—13

Nays: —0

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 37. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

By Rep. Owens:

H. 38. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

By Rep. Owens:

H. 116. To make a conditional appropriation for the payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency for the fiscal year ending September 30, 1983, from the General Fund of the State Treasury.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Minus (with notice and proof):

H. 5. Relating to Sumter County; providing further for the compensation of the board of registrars.

By Rep. Minus (with notice and proof):

H. 6. Relating only to Sumter County, to further provide for the distribution of the tax levied by Act No. 82-344, Acts of Alabama, Regular Session 1982.

By Reps. Minus, Manley and Clark (G):

H. 7. To propose an amendment to the Constitution of Alabama, 1901, to provide that Sumter, Choctaw, Greene, Hale, Pickens, Wilcox, Perry, Dallas, and Marengo Counties shall be exempt from certain provisions of Act No. 82-407, H. 80 of the 1982 Regular Session, which relate to fees and hunting period for certain residents and nonresidents, and it provides further therefor.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Kelley (with notice and proof):

H. 20. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grant, Alabama.

By Reps. Adams (C) and Whatley (with notice and proof):

H. 23. Relating to Russell County; increasing the salary of the sheriff effective at the next term of office and repealing Act No. 191, H. 750, 1973 Regular Session (Acts 1973, p. 228).

By Rep. Drinkard:

H. 27. Proposing an amendment to the Constitution of 1901, relating to Etowah County, authorizing the county governing body to provide for fire

fighting districts and services within Etowah County and to maintain such districts.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Ford (with notice and proof):

H. 43. Relating to Etowah County; requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

By Rep. Harvey:

H. 44. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Blount County and for the consolidation of the duties of said offices into a new office.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Waggoner (with notice and proof):

H. 57. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

By Rep. Hines (with notice and proof):

H. 75. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any

lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

By Rep. Hines (with notice and proof):

H. 76. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

By Rep. Hines (with notice and proof):

H. 77. Relating to Escambia County; amending Act No. 81-1168, H-95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which pertains to the Tax Assessor and Tax Collector by amending the provisions of Section 3 of said Act, by deleting in its entirety Section 4 of said Act, and by re-numbering the remaining paragraphs.

By Reps. Manley and Pegues:

H. 80. To propose an amendment to the Constitution of Alabama of 1901 to provide that Marengo County shall be exempt from the provisions of Act No. 82-407, H. 80, of the 1982 Regular Session, which relate to hunting licenses.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Hines (with notice and proof):

H. 105. Relating to Escambia County; providing for the payment, use and distribution of net monies received by Escambia County from severance tax and privilege tax on oil and gas under general or local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended; authorizing certain expenditures from such funds; providing specifically for the allocation of a part of such funds for educational purposes, a part to the Escambia County Industrial Development Authority and a part of the creation and establishment of the Escambia County courthouse and county jail trust fund; providing for the administration and investment of such fund, the use of the interest thereon for certain improvements on the county courthouse and for the construction and equipment of and supplies for the county jail; and providing for dissolving such fund and the reversion of the remainder thereof to the county general fund; repealing specifically: Act No. 344, H. 679, of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771, of the 1978 Regular Session (Acts 1978, p. 1312); Act No. 612, H. 1141, of the 1978 Regular Session (Acts 1978, p. 869); and Act No. 81-1167, H. 85, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which relate to the distribution and allocation of net funds from severance taxes on oil and gas; and providing different effective dates for the several provisions of the act, including giving certain provisions hereto retroactive effect; and further repealing any and all local laws in conflict with any section of this act.

By Rep. Hines (with notice and proof):

H. 106. Relating to Escambia County; providing further for the compensation of the sheriff.

By Rep. Daniels (with notice and proof):

H. 107. Relating to Geneva County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated

may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

By Rep. Holley (with notice and proof):

H. 135. To amend Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts 1973, p. 147), relating to Coffee County, so as to provide further for the qualifications of the county engineer.

By Rep. Campbell (with notice and proof):

H. 137. To amend Act No. 592, Regular Session, Alabama Legislature, 1953, providing for a civil service system for the City of Anniston in Calhoun County, Alabama by providing further for exemptions from operation of the Act.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Dial, Minus, Shoemaker, Pegues, Johnson (R. G.), Harper (T), McMillan, Venable, Warren, Carothers, Girmsley, Cates, Hall, Wyatt, Harper (O), Brakefield, Sasser, Grouby, Edwards, Rains, Turner, Gafford, Laird, Cheatwood, Willis, Hammett, Blake, Carter, Gilmer, Cosby, Adams (H), Dixon, Harvey, Ford and Williams:

H. 123. To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

By Rep. Owens:

H. 40. To define the legislative intent, and to provide for a supplemental appropriation for the fiscal year ending September 30, 1982, from the Game and Fish fund to the Game and Fish Division for the purchase of equipment.

By Rep. Owens:

H. 33. To amend Section 11-10-2, Code of Alabama 1975, as amended, which relates to the making of loans by counties in anticipation of taxes so as to increase the allowable amount of such loans and to increase the allowable interest rate on such loans.

By Rep. Owens:

H. 39. To provide authorization to the Department of Conservation and Natural Resources' Parks Division and Marine Resources Division to spend, out of their respective funds, during the fiscal year ending September 30, 1982, the following amounts for the following purposes: (1) Parks Division—Such funds as are necessary for the maintenance, staff, and repair of the Governor's official beach mansion; (2) Marine Resources Division—Such funds as are necessary for Alabama's pro rate share of the Gulf States Marine Fisheries Commission operating expenses.

By Mr. Gafford:

H. 54. To create a fund to be known as the Public Employees' Individual Retirement Account Fund. To provide for the eligibility requirements

for participation in said fund and to provide for the operation and administration of said fund. To further provide for a limitation on investments.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sasser and Grimsley (with notice and proof):

H. 144. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Warren and Willis:

H. 60. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner:

H. 46. To provide that any retired member of the Teachers Retirement System of Alabama or the Employees' Retirement System of Alabama who has selected a survivor option may cancel the survivor allowance payable to his designated beneficiary and name such new beneficiary as he shall nominate to receive a pro rata payment for the number of days said member shall live during the month of his death and to provide that such election to cancel the beneficiary allowance shall be irrevocable.

By Reps. Cates, Dial, Blake, Crow, Edwards, Willis, Pegues, Carothers, Laird, Grimsley, Holley, Williams, Shoemaker, Sasser, Grouby, Warren, Carter, Stout, Harper (O), Hammett, Penry, Owens, Letson, Clark (G), Venable, Daniels, Ford, McMillan, Hines and Turner:

H. 47. To amend Section 40-3-7, Code of Alabama 1975, relating to the compensation and mileage for members of boards of equalization, so as to provide further therefor; and to make the provisions retroactive.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (With Amendment):

S. 70. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Jefferson

County and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site, and industrial park, projects, said amendment to be effective only in such counties where approved by the voters thereof.

The above Bill was read a second time at length as required by the Constitution.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lewis, Dial, Stout, Turnham, Harper (O) and Bennett:

H. 125. To amend Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, and Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, so as to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (G) and Bedsole(With Amendment):

H. 103. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lewis, Gilmer and Waggoner (With Substitute):

H. 59. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gilmer (with notice and proof):

H. 24. Relating to Fayette County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Mr. Teague (J), Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sandusky:

H. 15. To provide for issuance of a permit by the state fire marshal to a fire protection sprinkler contractor, which said permit must first be presented to the local building official before being allowed to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water spray systems; to require testing by the state fire marshal of the competency of an individual who is the owner, partner, officer, or in a management position of the fire protection sprinkler contractor, to prescribe fees for permits issued pursuant to this act; to provide for funds collected pursuant to this act to be deposited in the state fire marshal's fund now authorized by section 24-5-10, Code of Alabama 1975; to prescribe civil penalties for violation of this act.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 4. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Also:

S. 8. To provide for a prayer that may be given in the public schools and educational institutions of this state.

Also:

S. 11. Relating to Escambia County, to provide for an advisory referendum on the question of the method of electing members of the county commission.

Also:

S. 24. To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Committee so as to increase said membership.

Also:

S. 61. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

Also:

S. J. R. 3. DESIGNATING JULY 4, 1982, AS "BILL MONROE DAY" IN ALABAMA.

Also:

S. J. R. 12. WELCOMING THE "BIRMINGHAM STALLIONS" AS ONE OF TWELVE FRANCHISE TEAMS OF THE NEW UNITED STATES FOOTBALL LEAGUE.

Also:

S. J. R. 13. HONORING WALTER R. BYARS OF MONTGOMERY FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

Also:

S. J. R. 14. CONGRATULATING MARY JAMIE HENDRIX OF RAINSVILLE, ALABAMA, FIRST RUNNER-UP IN THE 1982 AMERICA'S JUNIOR MISS PAGEANT.

Also:

S. J. R. 17. COMMENDING NORM AND JERRY BRUNTON OF SCOTTSBORO, ALABAMA, FOR THEIR EFFORTS IN CREATING "BRUNTON'S BED AND BREAKFAST" AGENCY.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 29. COMMENDING CAPTAIN THURE G. ECKART FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 35. COMMENDING RONALD E. HENDERSON, M. D. UPON HIS ELECTION TO THE AMA COUNCIL ON MEDICAL SERVICE.

Also:

H. J. R. 42. COMMENDING THE REVEREND ALEX BARRAUD HANSON, JR.

Also:

H. J. R. 48. ORDERING COMMISSIONER OF REVENUE RALPH EAGERTON TO ISSUE DISTINCTIVE LICENSE PLATES FOR DISABLED VETERANS.

Also:

H. J. R. 49. COMMENDING MISS MAGGIE RODGERS, OF ANDALUSIA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 50. COMMENDING MR. CURTIS BULL FOR OUTSTANDING SERVICE TO ALABAMA AVIATION AND TECHNICAL COLLEGE.

Also:

H. J. R. 52. COMMENDING THE MOBILE COUNTY CIVIL DEFENSE OFFICE FOR ITS NATIONAL RECOGNITION AS ONE OF THE MOST OUTSTANDING AGENCIES IN THE UNITED STATES.

Also:

H. J. R. 58. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RECESS

At 11:45 A.M., on motion of Mr. St. John, the Senate took a recess until 12:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

Mr. Robertson offered the following Senate Resolution, to-wit:

S. R. 37. COMMENDING MR. GEORGE F. LIVINGSTON.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 5. CALLING ON THE COUNTY TAX ASSESSORS THROUGHOUT THE STATE TO IMPLEMENT THE PROVISIONS OF "THE LID BILL" OF 1978 TO CURB INCREASES IN AD VALOREM TAXES ON REAL PROPERTY.

Also:

S. J. R. 11. ENCOURAGING THE ALABAMA CONGRESSIONAL DELEGATION AND THE ENTIRE CONGRESS TO SUPPORT H. R. 5868 AND S. 2376.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Messrs. Weeks and Teague (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. RECOGNIZING WITH COMMENDATION THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL LEADERSHIP HALL OF FAME AT TROY STATE UNIVERSITY.

WHEREAS, there is a need to honor educational leaders in the public school systems of Alabama; and

WHEREAS, the President and the Board of Trustees of Troy State University have approved the establishment of an Educational Leadership Hall of Fame at Troy State University; and

WHEREAS, the Alabama Association of School Boards and the Alabama Council of School Administrators and Supervisors are cooperating in the establishment of such a Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend the establishment of the Alabama Educational Leadership Hall of Fame on the Troy State University campus to honor elementary school administrators, middle school administrators, high school administrators, central office administrators, and school board members.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Dr. Ralph W. Adams, President of Troy State University, Dr. Randy Quinn, Executive Director of the Alabama Association of School Boards and for Mr. James A. Street, Executive Director of the Alabama Council of School Administrators and Supervisors.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. DIRECTING THE SECRETARY OF STATE TO PROVIDE COPIES OF THE SENATE AND HOUSE JOURNALS TO EACH FOUR-YEAR COLLEGE AND UNIVERSITY OF THE STATE.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the Secretary of State to provide copies of the Senate Journals and the House Journals to the libraries of each four-year college and university of this State.

BE IT FURTHER RESOLVED, That sufficient funds, from funds appropriated to the use of the Legislature, shall be allocated and paid to cover the costs of printing and distribution of such journals.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowing, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammel, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 64. COMMENDING MRS. KATE HARRIS OF THE BIRMINGHAM NEWS AND A MEMBER OF THE CAPITOL PRESS CORPS.

Also:

By Rep. Dial:

H. J. R. 65. COMMENDING THE 127TH MEDICAL GROUP HEADQUARTERS, ALABAMA ARMY NATIONAL GUARD, ASHLAND, ALABAMA.

Also:

By Reps. Owens, Mitchell and Johnson (Roy):

H. J. R. 66. MOURNING THE DEATH OF MR. LOUIS DANIEL CHAPMAN, PROMINENT COTTONDALE BUSINESSMAN AND CIVIC LEADER.

Also:

By Rep. Kennedy:

H. J. R. 69. HONORING BISHOP ELISHA P. MURCHISON FOR EXEMPLARY PERFORMANCE IN SERVICE TO OUR LORD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolutions, H. J. R.'s 64 and 69, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 65 and 66, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Manley:

H. J. R. 62. CONGRATULATING AND COMMENDING THE MARENGO ACADEMY LADY LONGHORNS, STATE SOFTBALL CHAMPIONS FOR 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Albright:

H. J. R. 67. NAMING THE NEW ANNEX BUILDING TO THE CARVER COMPLEX SOUTH AT ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY AS THE "WINFRED THOMAS AGRICULTURAL RESEARCH ANNEX."

WHEREAS, Winfred Thomas is an outstanding Alabamian who has devoted his life to agricultural teaching, research and administration; and

WHEREAS, he has significantly contributed to the growth of the agriculture program in terms of new academic curricula, research and teaching facilities and has devoted his best energies to the state's 1890 Land-Grant University Alabama A & M University; and

WHEREAS, Winfred Thomas has served as the Dean of the School of Agriculture Environmental Science and Home Economics for sixteen years (1966-1982) and the administrative and professional agricultural organizations in the United States; and

WHEREAS, his loyalty, dependability, efficiency, integrity and devotion have provided an example that has contributed immeasurably to the welfare of his school; and

WHEREAS, the Legislature of Alabama desires to give special recognition to someone who has meant so much to his community, his friends and associates, and his school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate and name the new Annex Building to the Carver Complex South at Alabama Agricultural and Mechanical University as the "Winfred Thomas Agricultural Research Annex" as a fitting tribute to the distinguished career of this outstanding educator, and further direct that such name be appropriately inscribed on or affixed to the building in such a manner as the President of the University may direct.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the said Winfred Thomas in declaration of regard and as a memento of this honorary designation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby and Ward:

H. J. R. 68. RELATING TO LEGISLATIVE MEMBERS OF THE NATIONAL ORDER OF WOMEN LEGISLATURES AND MEETING EXPENSES.

WHEREAS, The National Order of Women Legislators is a non-partisan organization devoted to government and politics and meets, from time to time, for workshops and exchange of ideas and information on legislation introduced in the various legislative bodies in the country; and

WHEREAS, the attendance of eligible members of the Alabama Legislature at the meetings of the National Order of Women Legislators is beneficial to all members of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That any active member of the Alabama Legislature, who is an eligible member of the National Order of Women Legislators, shall be entitled to per diem and reimbursement of all reasonable and necessary expenses and travel, within or without the State of Alabama, incurred in the performance of their duties. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 68, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 11. NAMING THE AIRCRAFT ENGINE POWER PLANT BUILDING AT ALABAMA AVIATION TECHNICAL COLLEGE IN OZARK, ALABAMA, "THE RUFUS BARNETT BUILDING."

On motion of Mr. Weeks, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 47. COMMENDING THE REVEREND DANIEL KEENER CHRISTENBERRY, RECIPIENT OF THE OUTSTANDING TEACHER OF THE YEAR AWARD OF PHI THETA KAPPA HONORARY.

Also:

H. J. R. 46. COMMENDING ALABAMA CONGRESSIONAL DELEGATION.

Also:

H. J. R. 27. NAMING THE NEW MOUNT VERNON ELEMENTARY SCHOOL, THE "GARTMAN AND HILL ELEMENTARY SCHOOL."

On motion of Mr. McDonald, said Resolutions were then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 24. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY ALL ASPECTS OF THE TEACHERS' RETIREMENT SYSTEM AND THE STATE EMPLOYEES' RETIREMENT SYSTEM.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 14. To amend Section 40-9-19, Code of Alabama 1975, relating to homestead exemption from state ad valorem taxes, so as to provide further therefor, and to make the provisions retroactively effective.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Messrs.:
deGraffenried
Goodwin
Hall

Harrison
Holmes
Kirkland
Lemaster

McDonald
Miller
Mitchem

Robertson
Weeks
White

—13

Nays:

—0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

On motion of Mr. Holmes, his name was added as co-sponsor of the above Bill, S. B. 14.

The Bill:

S. 15. To provide that if reappraisal tax revenue exceeds a certain percent, the county governing body shall adjust said tax rate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 1.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Britnell	Harrison	Little	Teague (J)
deGraffenried	Holmes	Miller	Weeks
Denton	Kirkland	Mitchem	White

—15

Nay: Mr. Hall.

—1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 51. To amend Section 34-32-19, Code of Alabama 1975, which relates to a separate state fund for the state board of registration for professional soil classifiers, so as to provide for the annual automatic appropriation of such funds to the board for its use.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 51, to-wit:

COMMITTEE AMENDMENT TO S. 51

On page 1, Section 1, line 37, delete the period and insert in lieu thereof:

But not in excess of \$2,000.00 in any fiscal year.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Britnell	Hall	Little	Teague (J)
deGraffenried	Harrison	McDonald	Vacca
Denton	Holmes	Miller	White

—15

Nays:

—0

And said Bill, S. B. 51, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Smith
Britnell	Kirkland	Mitchem	Teague (J)
deGraffenried	Lemaster	Parsons	Weeks
Denton	Little	Robertson	White
Harrison	McDonald	St. John	

—18

Nays:

—0

RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 40. COMMENDING MRS. KATE HARRIS UPON HER RETIREMENT FROM THE BIRMINGHAM NEWS.

Which was adopted.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. COMMENDING AND CONGRATULATING THE CITY OF ENTERPRISE ON THE OCCASION OF ITS CENTENNIAL.

WHEREAS, the City of Enterprise, Alabama founded in 1882, is celebrating its centennial July 2-4, 1982; and

WHEREAS, the citizens of Enterprise, to honor their heritage and in civic pride and awareness, will gather in celebration both to recollect the joys and trials of the past as well as to pledge themselves to continued progress and prosperity for their city in its second 100 years; and

WHEREAS, beginning with the town's first permanent residence, built by J. H. Carmichael who also served as the city's first mayor, Enterprise has furthered its growth primarily through the cooperative efforts of its citizens; today, the town stands as a monument to advancement with a stable economy based on agriculture, business and industry, and as the home of Enterprise State Junior College and Fort Rucker Army and Aviation Center; and

WHEREAS, Enterprise also is the site of the world famous Boll Weevil Monument, listed as the most unusual monument in the world in that it perpetuates the memory of an insect, the Mexican Boll Weevil, and was erected by the townspeople as a constant reminder of the importance of diversified farming; and

WHEREAS, as the citizens of Enterprise join in common bond to celebrate the centennial of the city's founding—with a three-day gala weekend of planned events and activities—this body also salutes the 100th birthday of Enterprise, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend hearty congratulations and sincere commendation to the City of Enterprise and direct that a copy of this resolution be sent to the Mayor of Enterprise and to Mr. Tim Alford as Chairman of the Enterprise Centennial Commission.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. COMMENDING MR. GEORGE F. LIVINGSTON.

WHEREAS, Mr. George F. Livingston, Administrator of West Alabama General Hospital, Inc., Northport, has been named "Administrator of the Year" by the Alabama Society for Hospital Social Workers; and

WHEREAS, this honor is awarded to recognition of outstanding leadership, demonstrated concern for patients' rights and social needs, respect for social services in the hospital and contribution to public awareness of social work; and

WHEREAS, George F. Livingston was presented this award in acknowledgement of his interest in and promotion of medical social work and of hospital-wide and community-wide awareness of the role hospital social work provides in patient care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Alabama Society for Hospital Social Workers in honoring Mr. George F. Livingston and direct that he receive a copy of this resolution in token of our sincere praise and esteem.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint Resolutions and returns same herewith to the Senate.

S. J. R. 31. NAMING S. B. 23 THE "BOBBY DENTON TEXT-BOOK BILL."

Also:

S. J. R. 33. COMMENDING AND CONGRATULATING REGINALD HAWK AND RAMONA FLOWERS, AS 1982 KING AND QUEEN OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

Also:

S. J. R. 34. URGING THE VARIOUS COUNTY COMMISSIONS TO REDUCE THE LOCAL TAX BURDEN.

Also:

S. J. R. 38. RECOGNIZING WITH COMMENDATION THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL LEADERSHIP HALL OF FAME AT TROY STATE UNIVERSITY.

Also:

S. J. R. 39. DIRECTING THE SECRETARY OF STATE TO PROVIDE COPIES OF THE SENATE AND HOUSE JOURNALS TO EACH FOUR-YEAR COLLEGE AND UNIVERSITY OF THE STATE.

Also:

S. J. R. 41. COMMENDING AND CONGRATULATING THE CITY OF ENTERPRISE ON THE OCCASION OF ITS CENTENNIAL.

Also:

S. J. R. 42. COMMENDING MR. GEORGE F. LIVINGSTON.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 70. URGING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS NOT TO ENFORCE SECTION 2 OF ACT NO. 82-430, 1982 REGULAR SESSION, AGAINST LAWFULLY LICENSED COLLECTORS OR VENDORS OF CERTAIN SHORT-BARRELED FIREARMS.

WHEREAS, with the passage of Act No. 82-430, H. B. 289, 1982 Regular Session, which act prohibits the possession of certain short-barreled firearms, the Legislature had no intention of preventing the lawful possession, sale or collection of such weapons by licensed vendors or collectors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge local and state law enforcement officials not to enforce the provision of Section 2 of Act No. 82-430, H. B. 289, 1982 Regular Session, against vendors or collectors of such short barreled firearms who are lawfully licensed under federal and state law to so collect, possess, or sell such weapons.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 70, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 12. Relating to Houston County; to levy a one cent per gallon tax on the sale or deliver of gasoline or gasohol in the county; to authorize the license commissioner of the county to administer the act and promulgate necessary rules and regulations therefor; to provide for the distribution and use of the tax proceeds among the municipalities and the county; to provide for interest charges, late charges and fines for violation of the act and for the use of such charges and fine; to require licensing, bonding, record keeping and audits of distributors and others to which the tax applies; and to specifically repeal Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97), and all rules or regulations promulgated pursuant thereto.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kennedy (with notice and proof):

H. 157. To amend Act Number 31 of the Alabama Legislature, Second Special Session, 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

I hereby certify that the Notice & Proof is attached to the bill, H. B. 157, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 157. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 7. To make a supplemental appropriation to the Department of Education, Crippled Children Services Program, from the Alabama Special Education Trust Fund, for the fiscal year ending September 30, 1983.

Also:

S. 3. To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate for its costs relative to the joint reapportionment committee and in payment of that certain court judgment rendered in the case of Beasley v. Gunter, et al., and costs relative thereto.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 1:45 P.M., on motion of Mr. deGraffenried, the Senate adjourned until Friday, July 2, 1982, at 9 o'clock A.M.

ELEVENTH LEGISLATIVE DAY

FRIDAY, JULY 2, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by Mr. Thomas Myers, Seminary Student interning at Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Hall	Little	St. John
Bailey	Harrison	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Callahan	Hilliard	Miller	Teague (B)
Cook	Holmes	Mitchem	Teague (J)
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Proctor	Weeks
Goodwin	Lemaster	Robertson	White
Gulledge			

—32

JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Figures, Glass, and Pearson for today.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 70. URGING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS NOT TO ENFORCE SECTION 2 OF ACT NO. 82-430, 1982 REGULAR SESSION, AGAINST LAWFULLY LICENSED COLLECTORS OR VENDORS OF CERTAIN SHORT-BARRELED FIREARMS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING

The Bill:

H. 5. Relating to Sumter County; providing further for the compensation of the board of registrars.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Hilliard	McDonald	Taylor	
Britnell	Holmes	Miller	Teague (J)	
Callahan	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little			—25

Nays:

—0

The Bill:

H. 6. Relating only to Sumter County, to further provide for the distribution of the tax levied by Act No. 82-344, Acts of Alabama, Regular Session 1982.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Hilliard	McDonald	Taylor	
Britnell	Holmes	Miller	Teague (J)	
Callahan	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little			—25

Nays:

—0

The Bill:

H. 7. To propose an amendment to the Constitution of Alabama, 1901, to provide that Sumter, Choctaw, Greene, Hale, Pickens, Wilcox, Perry, Dallas, and Marengo Counties shall be exempt from certain provisions of Act No. 82-407, H. 80 of the 1982 Regular Session, which relate to fees and hunting period for certain residents and nonresidents, and it provides further therefor.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Callahan	Goodwin	Hilliard
Bailey	Cook	Hall	Holmes
Britnell	Denton	Harrison	Keener

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Kirkland	McDonald	Robertson	Vacca	
Lemaster	Miller	Taylor	Weeks	
Little	Mitchem	Teague (J)	White	
Martin	Parsons			—25

Nays: —0

The Bill:

H. 27. Proposing an amendment to the Constitution of 1901, relating to Etowah County, authorizing the county governing body to provide for fire fighting districts and services within Etowah County and to maintain such districts.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Britnell	Harrison	Mitchem	Teague (J)	
Callahan	Hilliard	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Goodwin	Little			—25

Nays: —0

The Bill:

H. 43. Relating to Etowah County; requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Britnell	Harrison	Miller	Teague (J)	
Callahan	Hilliard	Mitchem	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Goodwin	Little			—25

Nays: —0

The Bill:

H. 20. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grant, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Goodwin
Bailey	Callahan	Denton	Gulledge

Hall	Lemaster	Proctor	Teague (J)	
Hilliard	Little	St. John	Vacca	
Holmes	Martin	Smith	Weeks	
Keener	McDonald	Taylor	White	
Kirkland	Mitchem			—25
<i>Nays:</i>				—0

The Bill:

H. 23. Relating to Russell County; increasing the salary of the sheriff effective at the next term of office and repealing Act No. 191, H. 750, 1973 Regular Session (Acts 1973, p. 228).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Higginbotham	McDonald	Taylor	
Britnell	Holmes	Miller	Teague (J)	
Callahan	Keener	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
Goodwin	Little			—25
<i>Nays:</i>				—0

The Bill:

H. 44. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Blount County and for the consolidation of the duties of said offices into a new office.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Hilliard	McDonald	Taylor	
Britnell	Holmes	Mitchem	Teague (J)	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Goodwin	Little			—25
<i>Nays:</i>				—0

The Bill:

H. 103. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, H. B. 103, to-wit:

COMMITTEE AMENDMENT TO H. B. 103

Amend House Bill 103, page 2, by striking lines 32-35 in their entirety.

Amend House Bill 103, page 2, line 20 after the word "year." by inserting the following:

Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service.

Amend House Bill 103, page 3, by striking lines 14-17 in their entirety and inserting in lieu thereof the following:

"Trip all game hunt licenses issued pursuant to this section shall be valid for hunting deer only for seven-day periods between the opening date of statewide deer season and December 31 of this same year. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to non-residents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service."

Amend House Bill 103, page 3, by striking lines 18-21 in their entirety.

Amend House Bill 103, page 3, Section 2, line 28, by inserting after the word "Alabama." the following sentence:

"But under no circumstance shall the annual all game license be less than \$99 nor the trip all game license less than \$50."

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. deGraffenried then offered the following substitute for the Bill, H. B. 103, to-wit:

SUBSTITUTE FOR H. B. 103

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act. No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act. No. 82-407, H. 80, 1982 Regular Session, are hereby amended to read as follows:

"Section 9-11-47. Any nonresident of this state who is 16 years old or older must procure an annual all game hunt license' to hunt all legal game in this state by filing his application with the commissioner of conservation and natural resources or any judge of probate or other person authorized to issue same, stating his age, race, place of residence and post office address and after paying to the person issuing said license a fee of 175.00.

"Every person making application for nonresident game license as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49 of the Code of Alabama 1975 shall present a driver license or in the case of nondrivers, proof of permanent residence. All nonresident game licenses shall bear the driver license number of the licensee and the state where said license was issued, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources.

"Every person who obtains a nonresident game license without presenting a driver license or in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the applicable license fee.

"All game hunt licenses issued pursuant to this section shall be valid for hunting deer only from the opening date of statewide deer season through December 31 of that same year. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service; provided, however, that any guide hunting service that has been in existence and operating within the State of Alabama during the hunting season immediately preceding the effective date of this act shall be automatically designated as an authorized guide hunting service and shall not be subject to any rules or regulations promulgated before or after the effective date of this act by the Commissioner of the Department of Conservation and Natural Resources, or the Department or the Conservation Advisory Board, pertaining to guide hunting services in Alabama. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service except those guide hunting services that have been in existence and operating within the state on the effective date of this act.

"The issuing officer or authority shall be allowed a fee of \$.50 \$1.00 for each nonresident license issued by him as provided in this section and Sections 9-11-46, 9-11-48, and 9-11-49, which issuing fee shall be in addition to the cost of the license.

"Section 9-11-49. Any nonresident of this state who is 16 years or older must procure a 'trip all game hunt license' to hunt all legal game in this state in the same manner as provided for procuring the nonresident annual hunting licenses provided for in sections 9-11-46 and 9-11-47 by paying therefor the sum of \$75.00 \$50.00, which license will authorize the holder thereof to hunt in this state for a period of five seven days from the day said license was issued.

"Trip all game hunt licenses issued pursuant to this section shall be valid for hunting deer only for seven-day periods between the opening date of statewide deer season and December 31 of this same year. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to non-residents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service."

Section 2. Notwithstanding any rule, regulation or law to the contrary, the Commissioner of the Department of Conservation and Natural Resources with consent of the Conservation Advisory Board is hereby authorized to establish bag limits, lengths of seasons and license fees for nonresidents who reside in those states which have entered into reciprocal agreements as to the aforementioned with the State of Alabama. "But under no circumstance shall the annual all game license be less than \$99 nor the trip all game license less than \$50."

Section 3. Notwithstanding any other rules, regulation or law to the contrary, a nonresident individual Alabama property owner, upon presentation of proof of the payment of at least \$100.00 ad valorem property taxes for the current or preceding tax year, shall be treated as an Alabama resident for the purpose of procuring hunting licenses as provided in Articles 1 and 2 of Title 9 of the Code of Alabama 1975.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Teague (B)	
Britnell	Keener	Proctor	Vacca	
deGraffenried	Lemaster	Smith	Weeks	
Hall	Little	Taylor		—15
Harrison				

Nays: —0

Mr. Little offered the following amendment to the Bill, H. B. 103, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 103, as amended

Amend House Bill H. B. 103, as amended page 4, by striking out in its entirety

"Section 3"

and re-number accordingly.

Which was lost.

Yeas 7; Nays 13.

Yeas:

Messrs.:	Holmes	Little	Teague (J)	
Hall	Lemaster	Smith	Weeks	
				—7

Nays:

Messrs.:	Goodwin	Miller	St. John	
Bailey	Harrison	Mitchem	Taylor	
deGraffenried	Higginbotham	Robertson	Teague (B)	
Denton	Keener			—13

Mr. deGraffenried offered the following amendment to the Bill, H. B. 103, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 103, AS AMENDED

Amend H. B. 103, as amended, page 2, line 33, by striking out the misspelled word after the word be and insert the word "automatically

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	McDonald	Taylor	
Bailey	Higginbotham	Miller	Teague (B)	
deGraffenried	Holmes	Mitchem	Teague (J)	
Denton	Keener	St. John	Vacca	
Goodwin	Little	Smtih	Weeks	
Hall	Martin			—21

Nays:

—0

And said Bill, H. B. 103, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 19; Nays 2.

Yeas:

Messrs.:	Harrison	Little	Smith	
Bailey	Higginbotham	Martin	Taylor	
deGraffenried	Holmes	Miller	Teague (B)	
Denton	Keener	Mitchem	Teague (J)	
Goodwin	Lemaster	St. John	Vacca	
				—19

Nays: Messrs.: Hall and Kirkland.

—2

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 20. EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

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Appointments of Mr. Thomas A. Simpson, Dr. David J. Roland, Dr. Wilbur B. DeVall, Mr. John Morrison, Mr. W. Alan Summers, Mr. John W. Cardwell, Jr. to the Alabama Surface Mining Commission.

On motion of Mr. McDonald, the appointment of Mr. Simpson was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hilliard	Proctor	Teague (B)	
Bailey	Kirkland	Robertson	Teague (J)	
Goodwin	Little	St. John	Vacca	
Hall	Miller	Smith	Weeks	
Higginbotham	Mitchem	Taylor	White	—19

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Roland was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Kirkland	Mitchem	Teague (B)	
Bailey	Lemaster	Proctor	Teague (J)	
Goodwin	Little	Robertson	Vacca	
Hall	Martin	St. John	Weeks	
Higginbotham	McDonald	Smith	White	
Keener	Miller	Taylor		—22

Nays: —0

On motion of Mr. McDonald, the appointment of Dr. DeVall was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Lemaster	Mitchem	Teague (B)	
Denton	Little	Proctor	Teague (J)	
Goodwin	Martin	Robertson	Vacca	
Higginbotham	McDonald	St. John	Weeks	
Keener	Miller	Taylor	White	
Kirkland				—20

Nays: —0

On motion of Mr. Lemaster, the appointment of Mr. Morrison was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	McDonald
Britnell	Harrison	Lemaster	Miller
deGraffenried	Higginbotham	Little	Mitchem
Denton	Keener	Martin	Proctor

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Robertson	Taylor	Teague (J)	Weeks	
St. John	Teague (B)	Vacca	White	
Smith				—24

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Summers was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Taylor	
Britnell	Kirkland	Mitchem	Teague (J)	
deGraffenried	Lemaster	Proctor	Vacca	
Denton	Little	Robertson	Weeks	
Goodwin	Martin	Smith	White	
Hall	McDonald			—21

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Cardwell was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	Taylor	
Bailey	Higginbotham	Mitchem	Teague (J)	
Britnell	Kirkland	Robertson	Vacca	
deGraffenried	Little	St. John	White	
Goodwin	Martin	Smith		—18

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 3. To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate for its costs relative to the joint reapportionment committee and in payment of that certain court judgment rendered in the case of Beasley v. Gunter, et al., and costs relative thereto.

Also:

S. 7. To make a supplemental appropriation to the Department of Education, Crippled Children Services Program, from the Alabama Special Education Trust Fund, for the fiscal year ending September 30, 1983.

Also:

S. 12. Relating to Houston County; to levy a one cent per gallon tax on the sale or delivery of gasoline or gasohol in the county; to authorize the license commissioner of the county to administer the act and promulgate necessary rules and regulations therefor; to provide for the distribution and use of the tax proceeds among the municipalities and the county; to provide for interest charges, late charges and fines for violations of the act and for the use of such charges and fines; to require licensing, bonding, record keeping and audits of distributors and others to which the tax applies; and to specifically repeal Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97), and all rules or regulations promulgated pursuant thereto.

Also:

S. J. R. 5. CALLING ON THE COUNTY TAX ASSESSORS THROUGHOUT THE STATE TO IMPLEMENT THE PROVISIONS OF "THE LID BILL" OF 1978 TO CURB INCREASES IN AD VALOREM TAXES ON REAL PROPERTY.

Also:

S. J. R. 11. ENCOURAGING THE ALABAMA CONGRESSIONAL DELEGATION AND THE ENTIRE CONGRESS TO SUPPORT H. R. 5868 AND S. 2376.

Also:

S. J. R. 31. NAMING S. B. 23 THE "BOBBY DENTON TEXT-BOOK BILL."

Also:

S. J. R. 33. COMMENDING AND CONGRATULATING REGINALD HAWK AND ROMONA FLOWERS, AS 1982 KING AND QUEEN OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

Also:

S. J. R. 34. URGING THE VARIOUS COUNTY COMMISSIONS TO REDUCE THE LOCAL TAX BURDEN.

Also:

S. J. R. 38. RECOGNIZING WITH COMMENDATION THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL LEADERSHIP HALL OF FAME AT TROY STATE UNIVERSITY.

Also:

S. J. R. 39. DIRECTING THE SECRETARY OF STATE TO PROVIDE COPIES OF THE SENATE AND HOUSE JOURNALS TO EACH FOUR-YEAR COLLEGE AND UNIVERSITY OF THE STATE.

Also:

S. J. R. 41. COMMENDING AND CONGRATULATING THE CITY OF ENTERPRISE ON THE OCCASION OF ITS CENTENNIAL.

Also:

S. J. R. 42. COMMENDING MR. GEORGE F. LIVINGSTON.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 11. NAMING THE AIRCRAFT ENGINE POWER PLANT BUILDING AT ALABAMA AVIATION TECHNICAL COLLEGE IN OZARK, ALABAMA, "THE RUFUS BARNETT BUILDING."

Also:

H. J. R. 27. NAMING THE NEW MOUNT VERNON ELEMENTARY SCHOOL, THE "GARTMAN AND HILLE ELEMENTARY SCHOOL."

Also:

H. J. R. 46. COMMENDING ALABAMA CONGRESSIONAL DELEGATION.

Also:

H. J. R. 47. COMMENDING THE REVEREND DANIEL KEENER CHRISTENBERRY, RECIPIENT OF THE OUTSTANDING TEACHER OF THE YEAR AWARD OF PHI THETA KAPPA HONORARY.

Also:

H. J. R. 62. CONGRATULATING AND COMMENDING THE MARENGO ACADEMY LADY LONGHORNS, STATE SOFTBALL CHAMPIONS FOR 1982.

Also:

H. J. R. 64. COMMENDING MRS. KATE HARRIS OF THE BIRMINGHAM NEWS AND A MEMBER OF THE CAPITOL PRESS CORPS.

Also:

H. J. R. 65. COMMENDING THE 127TH MEDICAL GROUP HEADQUARTERS. ALABAMA ARMY NATIONAL GUARD, ASHLAND, ALABAMA.

Also:

H. J. R. 66. MOURNING THE DEATH OF MR. LOUIS DANIEL CHAPMAN, PROMINENT COTTONDALE BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 67. NAMING THE NEW ANNEX BUILDING TO THE CARVER COMPLEX SOUTH AT ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY AS THE "WINFRED THOMAS AGRICULTURAL RESEARCH ANNEX."

Also:

H. J. R. 68. RELATING TO LEGISLATIVE MEMBERS OF THE NATIONAL ORDER OF WOMEN LEGISLATORS AND MEETING EXPENSES.

Also:

H. J. R. 69. HONORING BISHOP ELISHA P. MURCHISON FOR EXEMPLARY PERFORMANCE IN SERVICE TO OUR LORD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 43. MOURNING THE DEATH OF JAMES ANDERSON HALL.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 43. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business

taking precedence over all other matters upon reaching bills on third reading for the eleventh legislative day of the second special session 1982 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 123	9	Ad valorem tax, delay and reappraisal
H. B. 40	10	Game and fish div., suppl. approp.
H. B. 39	10	Conservation
H. B. 47	12	Board of Equalization
H. B. 38	4	Suppl approp. for int. on public debts
H. B. 37	4	Approp. from the Heritage fund to Gen. fund
H. B. 116	5	Fed. emergency mang. agency approp.
H. B. 46	12	Survivor option for retir. systems
H. B. 125	13	Apportionment of the 3-mill dis. ad valorem tax

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 81. To amend sections 22-21-260 through 22-21-277 relating to control and regulation of development of certain health care facilities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 81, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 81

A BILL TO BE ENTITLED AN ACT

To amend Sections 22-21-260 through 22-21-270 relating to the control and regulation of development of certain health care facilities; changing the designated agency from the State Board of Health to the State Health Planning and Development Agency and identifying composition thereof; removing from law the designated health system agency; makes changes in the State Health Plan by removing from law the State Medical Facilities Plan; raises the thresholds for expenditures; restricts use of tax money for advertising; raises the cost of filing for a Certificate of Need; changes the period of validation. This law effective upon passage.

Be It Enacted by the Legislature.

Section 1. Definitions.

As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

(1) **STATE BOARD OF HEALTH.** The statutory agency of the state of Alabama operative in the field of general health matters and performing the duties and exercising the powers as set forth in the statutory provisions relating thereto. In addition to its other duties and responsibilities in the field of general health matters, the state board of health, or other agency selected by the governor is the "state health planning and development agency" pursuant to chapter 4 of this title. Where used in this article, the terms "state board of health," "state agency" and "state health planning and development agency" shall be synonymous and may be used interchangeably.

(1) **STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA).** An agency of the State of Alabama which is designated by the Governor as the sole state health planning and development agency, which shall consist of three consumers, three providers and three representatives of the Governor who all shall serve staggered terms and all be appointed by the Governor. Where used in this act, the terms, "state agency," and "SHPDA", shall be synonymous and may be used interchangeably.

(2) **STATEWIDE HEALTH COORDINATING COUNCIL.** A council, appointed by the Governor, established pursuant to the provisions of Title XV, section 1524, of the Public Health Service Act (42 USC 200m 3) and sections 22-4-7 and 22-4-8 of this Code to advise the state health planning and development agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it. by appropriate state and federal statutes.

(3) **HEALTH SYSTEMS AGENCY.** An entity which is organized and operated under the provisions of Title XV of the Public Health Service Act (42 USC 3001 et seq.) and is responsible for the health planning and development in a health service area designated by the governor.

(3) (4) **HEALTH SERVICE AREA.** A geographical area designated by the governor, pursuant to Title XV of the Public Health Service Act, as being appropriate for effective planning and development of health services.

(4) (5) **STATE HEALTH PLAN.** A comprehensive plan which is prepared triennially and reviewed and revised at least annually and revised as necessary by the statewide health coordinating council, with the assistance of the state health planning and development agency, and approved by the state board of health Governor, and the statewide health coordinating council. The state health plan shall include.

a. The health systems plans developed by the health systems agencies and revised as necessary for appropriate coordination, or to deal more effectively with statewide health needs and priorities;

b. The state medical facilities plan; and

e. The state manpower plan.

The state health plan shall provide for the development of health programs and resources to assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state.

(6) **STATE MEDICAL FACILITIES PLAN.** A plan prepared by the state health planning and development agency and approved by the statewide health coordinating council as consistent with the state health plan, which shall include consideration of the medical facilities plans of the health systems agencies and which shall establish an integrated and interrelated system of health care facilities which shall promote the provision of readily accessible health care facilities in all parts of the state.

(5) (7) **HEALTH CARE FACILITY.** Such term shall include: General and specialized hospitals, including tuberculosis, psychiatric, long-term care and other types of hospitals, and related facilities such as laboratories, outpatient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units; community mental health centers and related facilities; facilities for the developmentally disabled; home health agencies; and health maintenance organizations. The term "health care facility" shall not include the offices of private physicians or dentists, whether for individual or group practice and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.

(6) (8) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services customarily furnished on either an inpatient or outpatient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

(7) (9) **CAPITAL EXPENDITURE.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which

a. Exceeds \$100,000 \$200,000 (indexed) for major medical equipment; \$200,000 (indexed) for new annual operating costs; \$600,000 (indexed) for any other capital expenditures;

b. Changes the bed capacity of the facility with respect to which such expenditure is made; or

c. Substantially changes the health services of the facility with respect to which such expenditure is made.

(8) (10) **PERSON.** Any person, firm partnership, association, joint venture or corporation, the state of Alabama and its political subdivisions or parts thereof and any agencies or instrumentalities and any combination of persons herein specified, but "person" shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulation established by this article.

(9) (11) **APPLICANT.** Any person, as defined in this section, who files an application for a certificate of need.

(10) (12) **ACQUISITION.** Such term shall mean and include obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase, lease, loan or sufferance, gift, devise, legacy, settlement of a trust or means

whatever, and shall include any act of acquisition. The term "acquisition" shall not mean or include any conveyance, or creation of any lien of security interest by mortgage, deed of trust, security agreement or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement or similar financing instrument nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified hereinabove by a natural person to any member of such person's immediate family. For the purposes of this section "immediate family" shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the 4th degree of kindred as such degrees are computed according to law.

(11) (13) CONSTRUCTION. Such term shall mean and include actual commencement, with bona fide intention of completing the same, or completion of the construction, erection, remodeling, relocation, excavation or fabricating of any real property constituting a facility under this article, and the term "construct" shall mean and include any act of construction. "Ground breaking ceremony," "receipt of bids," "receipt of quotation" or similar action that will permit unilateral termination without penalty shall not be considered "construction."

(12) (14) FIRM COMMITMENT OF OBLIGATION. Such terms shall mean and include:

a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefor;

b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services; and

c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

(13) (15) INSTITUTIONAL HEALTH SERVICES. Health Services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

(14) (16) MODERNIZATION. The alteration, repair, remodeling, replacement and renovation of existing buildings including initial equipment thereof and the replacement of equipment of existing buildings.

(15) (17) TO OFFER. Such term, when used in connection with health services, means that the health care facility or health maintenance organization holds itself out as capable of providing or as having the means for the provision of, specified health services.

Section 2. LEGISLATIVE FINDINGS: PURPOSE OF ARTICLE.

The legislature of the state of Alabama declares that it is the public policy of the state of Alabama that a certificate of need program be administered in the state to assure that only those health care services and facilities found to be in the public interest shall be offered or developed in the state. It is the purpose of the legislature in enacting this article to prevent the construction or unnecessary and inappropriate health care facilities through a system of mandatory reviews of new institutional health services, as the same are defined in this article.

Section 3. NEW INSTITUTIONAL HEALTH SERVICES SUBJECT TO REVIEW:

(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the purposes of this article, "new institutional health services" shall include:

(1) The construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization; or

(2) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of \$100,000.00 which, under generally accepted accounting principles consistently applied, is a capital expenditure; or,

(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of \$200,000.00 (indexed) for major medical equipment; in excess of \$200,000.00 (indexed) for new annual operating costs; in excess of \$600,000.00 (indexed) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization; or

(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition, or conversion of one or more beds, or the relocation of one or more beds from one physical facility to another; or

(4) Health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered.

(b) The four conditions of "new institutional health services" listed in this section shall be mutually exclusive.

Section 4. The state board of health SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the criteria and clarifying definitions for reviews covered by this article. These criteria shall include at least the following:

(1) Determination that the proposed new institutional health service or facility is consistent with one or more of the appropriate state health facility and services plans effective at the time the application was received by the state agency, which shall include the latest approved revisions of the following plans:

a. Alabama state health plan.

b. Alabama medical facilities plan (a component of the Alabama state health plan).

b. e. Alabama state plan for services to the mentally ill.

e. d. Alabama state plan for rehabilitation facilities.

d. e. Alabama developmental disabilities plan.

e. f. Alabama state alcoholism plan.

f. g. Such other state plans as may from time to time be required by state or federal statute.

(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

(3) The availability of alternative, less costly or more effective methods of providing such services.

(4) Determination of a substantially unmet public requirement for the proposed health care facility, service or capital expenditure that is consistent with orderly planning within the state and the community for furnishing comprehensive health care, such determination to be established on the merits of the proposal after given appropriate consideration to:

a. Financial feasibility of the proposed change in service of facility;

b. Specific data supporting the demonstration of need for the proposed change in facility or service shall be reasonable, relevant and appropriate;

c. Evidence of evaluation and consistency of the proposed change in facility or service with the facility's and the community's overall health and health-related plans;

d. Evidence of consistency of the proposal with the need to meet nonpatient care objectives of the facility such as teaching and research;

e. Evidence of review of the proposed facility, service or capital expenditure by the local health systems agency, and when appropriate and requested by other state agencies;

f. Evidence of the locational appropriateness of the proposed facility or service such as transportation accessibility, manpower availability, local zoning, environmental health, etc.;

g. Reasonable potential of the facility to meet licensure standards.

h. Reasonable consideration shall be given to medical facilities involved in medical education.

(5) Determination that the person applying is an appropriate applicant, or the most appropriate applicant in the event of duplicative applications, for providing the proposed health care facility or service, such determination to be established from the evidence as to the ability of the person, directly or indirectly, to render adequate service to the public, including affirmative evidence as to the following:

a. Professional capability of the facility proposing the capital expenditure;

b. Management capability of the facility proposing the capital expenditure;

c. Adequate manpower to enable the facility to offer the proposed service,

d. Evidence of the existence of the applicant's long-range planning program and an ongoing planning process;

e. Evidence of existing and ongoing monitoring of utilization and the fulfilling of unmet or undermet health needs in the case of expansion;

f. Evidence of communication with all planning, regulatory, utility agencies and organizations that influence the facility's destiny.

(6) Consideration of the special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service area in which the entities are located or in adjacent health service areas.

(7) The special needs and circumstances of health maintenance organizations.

(8) In case of a construction project, consideration shall be given to:

a. The costs and methods of the proposed construction including the costs and methods of energy provision, and

b. The probable impact of the construction project reviewed on the costs of providing health services.

Section 5. CERTIFICATES OF NEED—REQUIRED FOR NEW INSTITUTIONAL HEALTH SERVICE.

(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless such person shall first obtain from the state board of health SHPDA a certificate of need therefor.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who, on July 30, 1979, holds a valid assurance of need issued pursuant to section 1122 of the Social Security Act, shall be entitled to be issued a certificate of need for the facility or service described on the application for the assurance of need. Application for a certificate of need under this subsection shall be filed within 90 days after July 30, 1979. Certificates of need issued under this subsection shall be subject to section 22-21-270.

Section 6. SAME—REQUIRED FINDINGS FOR IN-PATIENT FACILITIES.

No certificate of need for new in-patient facilities or services shall be issued unless the state board of health SHPDA makes each of the following findings:

(1) That the proposed facility or service is consistent with the latest approved revision of the appropriate state plan effective at the time the application was received by the state agency;

(2) That less costly, more efficient or more appropriate alternatives to such in-patient service are not available, and that the development of such alternatives has been studied and found not practicable;

(3) That existing in-patient facilities providing in-patient services similar to those proposed are being used in an appropriate and efficient manner consistent with community demands for services;

(4) That in the case of new construction, alternatives to new construction (e. g., modernization and sharing arrangement) have been considered and have been implemented to the maximum extent practicable; and

(5) That patients will experience serious problems in obtaining in-patient care of the type proposed in the absence of the proposed new service.

Section 7. SAME—APPLICATION FOR CERTIFICATE OR MODIFICATION THERETO AND EXTENSIONS THEREOF.

Any application for a certificate of need under section 22-21-265, for a modification thereto or for an extension thereof shall be made in written form and shall include such information and supporting data relevant to the merits of the application as may be prescribed by the approved rules and regulations of the state board of health SHPDA. The application shall be filed with the state board of health SHPDA and the local health systems agency not less than 90 days prior to the date of the proposed obligation for the capital expenditure or the inauguration of the proposed service.

Section 8. SAME—EMERGENCY CERTIFICATE PRIOR TO HEARING.

Any person may apply, either independently and without notice under section 22-21-267 or as a part of an application filed under section 22-21-267, for an emergency certificate of need for the authorization of capital expenditures made necessary by unforeseen events which endanger the health and safety of the patients. Emergency capital expenditures include, but are not necessarily limited to, emergency expenditures to maintain quality care, to overcome failure of fixed equipment, including heating and air conditioning equipment, elevators, electrical transformers and switch gear, sterilization equipment, emergency generators, water supply and other utility connections. Applications for emergency certificates of need shall include a description of the work to be done and/or equipment to be purchased, the cost thereof, justification for considering the capital expenditure as being of an emergency nature and such other information as the state board of health SHPDA may require. Emergency certificates of need issued hereunder shall be subject to such special limitations and restrictions as the duration and right of extension or renewals as may be prescribed in the rules and regulations adopted by the state board of health SHPDA.

Section 9. CERTIFICATE OF NEED FOR PLANNING.

A certificate of need for planning shall be required when the cost of planning, predevelopmental and developmental activities, including studies, surveys, designs, feasibility reports, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the physical plant or equipment with respect to which such expenditures are made if the proposed expenditure for such planning, predevelopmental and developmental activities shall exceed \$100,000.00 \$300,000.00. A certificate of need for planning shall be limited to the planning, predevelopmental and developmental activities and shall not include approval for actual construction, purchase of equipment and acquisition of the proposed facility or service. No tax funds as a result of this planning certificate of need can be used for any activities relating to advertising or promotion of persuading the public to aid or defeat the acquisition or relocation of a medical facility. Issuance of a certificate of need for planning shall not be construed as binding upon the state board of health SHPDA for issuance of a certificate of need for the proposed new institutional health service.

Section 10. SAME—PERIOD FOR WHICH VALID; EXTENSION OF TIME; TERMINATION; NONTRANSFERABLE.

(a) A certificate of need issued under subsection (a) of section 22-21-265 and sections 22-21-268 and 22-21-269 shall be valid for a period not to exceed 12 months and may be subject to one extension not to exceed six twelve

months, provided the criteria for extension as set forth in the rules and regulations of the state board of health SHPDA are met. If no obligation has occurred within such period, the certificate of need shall be considered terminated and shall be null and void. Should the obligation be incurred within such valid period, the certificate of need shall be continued in effect for a period not to exceed one year or the completion of the construction project, whichever shall be later, or the inauguration of the service or the actual purchase of equipment.

(b) Failure to commence the construction project within the time period stated in the construction contract or within one year after issuance of the certificate of need, or to complete the construction project within the time period specified, shall render the certificate of need null and void. However, the state board SHPDA may continue the certificate of need in force if it can be shown that the construction work has not ceased or otherwise been stopped for a period not to exceed two consecutive months during the specified construction period for causes beyond the control of the applicant.

(c) Applicants who held valid certificates of need which were terminated under this section may file a new application for a certificate pursuant to and subject to the provisions of this article.

(d) Upon completion of the construction and issuance of a certificate of completion or the receipt of proof of purchase of equipment, the certificate of need shall be continued in force and effect.

(e) A Certificates certificate of need shall not be transferable, or assignable, or convertible and shall be valid solely to the person and purpose named thereon.

Section 11. SAME—APPLICATION FEES: APPROPRIATION OF FUNDS: DISPOSITION OF FEES.

(a) Each application for a certificate of need shall be accompanied by a fee of one tenth one half of one percent of the estimated cost of the proposed cost of the new institutional health service, or a minimum of \$100.00 and or a maximum of \$1,000.00 \$4,000.00 per application. Fees shall be used for the purpose of defraying the lawful operating expense of the certificate of need program conducted by the state board of health SHPDA and of the health facilities review council state health coordinating council.

(b) Application fees collected for issuance of a certificate of need for planning shall be deducted from the fee required for the certificate of need for the actual construction work planned as a result of the certificate of need for planning.

(c) Each application for a certificate of need for an existing health facility or service filed under the provisions of subsection (b) of section 22-21-265 shall be accompanied by a fee of \$50.00.

(c) (d) There is hereby authorized to be appropriated from the general funds of the state of Alabama such amounts as may be necessary from time to time to defray the costs of administering this article over and above such fees as may be collected under this section.

(d) (e) Application fees collected under this article shall not be refundable. Fees collected under this article are hereby appropriated for the purposes stated in this article.

(e) (f) All fees collected under this article shall be retained in a separate fund for the purpose of enforcing and administering this article, and shall be disbursed as other funds of the state are disbursed.

Section 11. SAME—CONTRACTS FOR REVIEW AND RECOMMENDATIONS CONCERNING APPLICATIONS.

The state health planning and development agency shall enter into contractual agreements with health system agencies for review and recommendation of applications for certificates of need. Payment for contractual review and recommendation services may be made from funds derived from section 22-21-271.

Section 12. ADOPTION AND PUBLIC NOTICE OF REVIEW PROCEDURES AND CRITERIA.

The state board of health SHPDA, with the advice and consultation of the statewide health coordinating council, and after considering the recommendations of the new health systems agencies, shall prescribe by rules and regulations the review criteria and review procedures required by this article. Said review criteria and review procedures shall be consistent with the provisions of this article and with appropriate federal regulations adopted under the authority of PL 93-641. Prior to the adoption of rules and regulations, the state board of health SHPDA shall give wide publicity to the proposed rules and regulations and shall conduct a public hearing following legal notice of not less than 30 days. The public hearing shall be held in the city of Montgomery, Alabama. Prior to advertising the public hearing, the state board of health SHPDA shall submit the proposed rules and regulations to the health systems agencies, the statewide health coordinating council and other interested agencies. Future revisions of the rules and regulations shall be made as required in this section for the original rules and regulations and in accordance with the Administrative Procedures Act.

Section 13. PROCEDURES FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF NEED.

The state board of health SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the procedures for review of applications for certificates of need and for issuance of certificates of need. Rules and regulations governing review procedures shall include, but not necessarily be limited to, the following:

(1) Agreement with the health systems agencies and other review agencies for review procedures consistent with this article and federal regulations.

(2) Application procedures and forms of the application necessary to elicit and provide all necessary information as required by the review criteria.

(3) Establishment of a project review period of 90 days from the date the state agency determines that the application is complete and notification thereof is made to the applicant. The rules and regulations may provide for a period of not more than 15 days for determination of the completeness of the application, notification of the beginning and termination dates of the project review period and criteria for determining by the state agency of an extension of the project review period not to exceed 30 days with or without the consent of the applicant. An extension of the review period without limitation may be made with the written consent of the applicant. All reviews must be completed prior to the termination of the review period. If the state agency does not make a decision within the period of time specified for state agency review, the proposal shall be deemed to have been found not to be needed.

(4) Provision for a "nonsubstantive" review which shall be a modified review applicable to proposals for capital expenditures up to \$500,000.00 and which:

- a. Do not result in a substantial change in a service; or
- b. Propose equipment to up-grade or expand an existing service; or
- c. Increase the bed capacity by not more than 10 percent of the existing bed capacity; provided, that such increase in bed capacity is consistent with the state medical facilities health plan.

(5) Public notification of receipt of application, review periods, public hearings, meetings of the state committee of public health, acting as the state board of health, decisions of the state agency, fair hearings if requested and final decisions regarding a certificate of need.

(6) Public hearings on the application for the certificate of need. The state board of health SHPDA and the health systems agency shall make provisions for a public hearing in the course of agency review if requested by one or more persons directly affected by the review. These hearings may be held by the health systems agency on behalf of itself and the state board of health under agreement between the two agencies. However, such joint public hearings shall not deprive the applicant of his right to a hearing before the state committee of public health.

(7) Schedule for reviews to include hearings before the review agencies, beginning and ending of review periods and time of the review period as provided in this section.

(8) Provision of the applicant to submit such information that he may deem advisable in justification of the application over and above the minimum information required by this article and the regulations adopted hereunder.

(9) Provisions for periodic reports by the health provider or applicant respecting the development of the proposal subject to review and for which a certificate of need is issued.

(10) Provisions for written findings, as appropriate, which the state used as the basis for its decision or any recommendation of the state agency. Such findings and recommendations shall be available provided to the applicant and available to other interested persons upon request and upon payment of a reasonable fee to cover actual costs of reproduction and handling.

(11) Notification upon request of providers of health services and other persons subject to review of findings, recommendations and decisions made under this article.

(12) Provision for a public hearing upon written request and for good cause by any person for the reconsideration of a decision by the state board of health SHPDA. Request for a public hearing shall be made in writing not more than 30 days subsequent to the date of the decision and shall have the effect of holding in abeyance the final decision subject to the outcome of the public hearing.

(13) Provision that no decision of the state board of health SHPDA under this article shall be deemed final until 31 days following the date of the decision.

(14) Provisions that any adverse decision of the state board of health of any decision of the state board of health is inconsistent with the recommendations of the health systems agency may be appealed to an agency of the

state (other than the state board of health SHPDA) designated by the governor. The appeal proceedings shall be conducted pursuant to the requirements of the state of Alabama, regulations adopted under this article and federal regulations. Request for a fair hearing by the health systems agency or applicant shall be made within 30 days of the decision by the state agency and shall have the effect of holding in abeyance the decision subject to the outcome of the fair hearing. The decision of the appeals agency shall be considered the final decision of the state agency; provided, that the applicant or the health systems agency may appeal the decision to the circuit court of the county in which the applicant resides or of the county in which the applicant is situated.

(15) Preparation and publication, at least annually, of reports by the state agency to the review being conducted, decision reached, certificates issued and status of proposals.

(16) Access by the general public to applications reviewed by the state board of health SHPDA and to other written material pertinent to the review.

(17) Provisions for letters of intent in the case of construction projects by persons proposing such projects. Letters of intent shall be in such detail as the state board of health SHPDA may direct by regulations. Letters of intent shall not substitute for the formal application for a certificate of need as provided in this article.

(18) Provision that the review procedure may vary according to the purpose for which a particular review is being conducted and/or the nature and type of service or expenditure proposed.

Section 14. INJUNCTIVE RELIEF; ISSUANCE OF LICENSE FOR IN-PATIENT BEDS OR FACILITIES IN VIOLATION OF ARTICLE PROHIBITED; FACILITIES IN VIOLATION OF ARTICLE NOT TO RECEIVE REIMBURSEMENT FOR SERVICES.

(a) Injunctive relief against violations of this article or any reasonable rules and regulations of the state board of health SHPDA may be obtained from the circuit court of Montgomery County, Alabama, at the instance of the state board of health SHPDA, any holder of a certificate of need that is adversely affected in the exercise of privileges thereunder by such violation or any member of the public directly and adversely affected by such violation. Upon written request by the state board of health SHPDA, it shall be the duty of the attorney general of the state of Alabama to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

(b) The state board of health shall not issue a license to operate new in-patient beds or any health care facility constructed, or acquired in violation of this article and without a certificate of need issued pursuant to this article.

(c) Any facility or service provided or constructed in violation of this article and without a certificate of need shall not receive reimbursement for services rendered by the health care facility or for the service provided by the facility which is provided in violation of said article without a certificate of need. This provision applies to all reimbursement programs administered by the state of Alabama. Recommendations will be made to other reimbursing agencies that reimbursement be denied.

Section 15. ARTICLE CUMULATIVE; CONFLICTING LAWS.

The provisions of this article are cumulative and, insofar as possible, they shall be construed in *pari materia* with other laws relating to public health. Nevertheless, all laws or parts of laws which conflict with this article are repealed.

Section 16. All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	Smith	
Britnell	Higginbotham	Mitchem	Taylor	
Cook	Kirkland	Proctor	Teague (J)	
deGraffenried	Little	Robertson	Weeks	
Goodwin	Martin	St. John	White	
Hall				—20

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 57. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	Smith	
Bailey	Hilliard	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague (J)	
Cook	Keener	Parsons	Vacca	
Denton	Kirkland	Proctor	Weeks	
Goodwin	Little	St. John	White	
Gulledge	Martin			—25

Nays:

—0

The Bill:

H. 75. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of

trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Britnell	Hilliard	Mitchem	Teague (J)	
Callahan	Holmes	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Little	St. John	White	
Goodwin	Martin			—25

Nays: —0

The Bill:

H. 76. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Britnell	Hilliard	Miller	Taylor	
Callahan	Holmes	Mitchem	Vacca	
Cook	Kirkland	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
Goodwin	Little			—25

Nays: —0

The Bill:

H. 77. Relating to Escambia County; amending Act No. 81-1168, H-95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which pertains to the Tax Assessor and Tax Collector by amending the provisions of Section 3 of said Act, by deleting in its entirety Section 4 of said Act, and by re-numbering the remaining paragraphs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Britnell	Hilliard	Miller	Taylor
Callahan	Holmes	Mitchem	Vacca
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Goodwin	Little		

—25

Nays: —0

The Bill:

H. 105. Relating to Escambia County; providing for the payment, use and distribution of net monies received by Escambia County from severance tax and privilege tax on oil and gas under general or local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended; authorizing certain expenditures from such funds; providing specifically for the allocation of a part of such funds for educational purposes, a part to the Escambia County Industrial Development Authority and a part for the creation and establishment of the Escambia County courthouse and county jail trust fund; providing for the administration and investment of such fund, the use of the interest thereon for certain improvements on the county courthouse and for the construction and equipment of and supplies for the county jail; and providing for dissolving such fund and the reversion of the remainder thereof to the county general fund; repealing specifically: Act No. 344, H. 679, of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771, of the 1978 Regular Session (Acts 1978, p. 1312); Act No. 612, H. 1141, of the 1978 Regular Session (Acts 1978, p. 869); and Act No. 81-1167, H. 85, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which relate to the distribution and allocation of net funds from severance taxes on oil and gas; and providing different effective dates for the several provisions of the act, including giving certain provisions hereto retroactive effect; and further repealing any and all local laws in conflict with any section of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cook	Hall	Little
Bailey	Denton	Hilliard	Martin
Britnell	Goodwin	Holmes	McDonald
Callahan	Gulledge	Kirkland	Miller

Mitchem	St. John	Teague (J)	Weeks	
Parsons	Smith	Vacca	White	
Proctor	Taylor			—25

Nays: —0

The Bill:

H. 106. Relating to Escambia County; providing further for the compensation of the sheriff.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Taylor	
Bailey	Hilliard	Mitchem	Teague (B)	
Britnell	Holmes	Parsons	Teague (J)	
Callahan	Kirkland	Proctor	Vacca	
Cook	Little	St. John	Weeks	
Denton	Martin	Smith	White	
Goodwin	McDonald			—25

Nays: —0

The Bill:

H. 107. Relating to Geneva County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Taylor	
Bailey	Hilliard	Miller	Teague (B)	
Britnell	Holmes	Parsons	Teague (J)	
Callahan	Keener	Proctor	Vacca	
Cook	Kirkland	St. John	Weeks	
Denton	Lemaster	Smith	White	
Goodwin	Little			—25

Nays: —0

The Bill:

H. 135. To amend Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts 1973, p. 147), relating to Coffee County, so as to provide further for the qualifications of the county engineer.

was read a third time at length and passed.

SECOND EXTRAORDINARY SESSION
11th Day

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Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Hilliard	Miller	Teague (B)
Cook	Holmes	Parsons	Teague (J)
Denton	Keener	Proctor	Weeks
Goodwin	Kirkland		

—25

Nays: —0

The Bill:

H. 137. To amend Act No. 592, Regular Session, Alabama Legislature, 1953, providing for a civil service system for the City of Anniston in Calhoun County, Alabama by providing further for exemptions from operation of the Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Holmes	Mitchem	Teague (J)
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Goodwin	Little		

—25

Nays: —0

The Bill:

H. 24. Relating to Fayette County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John
Britnell	Hilliard	McDonald	Smith
Cook	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Lemaster	Proctor	White
Hall	Little		

—25

Nays: —0

The Bill:

H. 144. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Bailey	Hilliard	McDonald	Smith
Callahan	Holmes	Miller	Taylor
Cook	Keener	Mitchem	Teague (B)
Denton	Kirkland	Parsons	Teague (J)
Goodwin	Lemaster	Proctor	Weeks
Gulledge	Little		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 24. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY ALL ASPECTS OF THE TEACHERS' RETIREMENT SYSTEM AND THE STATE EMPLOYEES' RETIREMENT SYSTEM.

Also:

S. J. R. 35. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. COMMENDING MR. WILLIAM GERALD MAYO.

WHEREAS, William Gerald Mayo has been named "Health Promoter of the Year" by the Alabama Hospital Public Relations Society; and

WHEREAS, this honor is conferred by this Society to an individual not employed in a health care institution in recognition of significant contributions to the health care industry; and

WHEREAS, William Gerald Mayo earned this recognition for activities initiated in Gadsden and surrounding communities through the development of a not-for-profit community-supported ambulance service, the organization of a Fire Medic Program, the establishment of a universal 911 emergency number and the creation of the Etowah County Emergency Services Council; and

WHEREAS, as the Chief of the Gadsden Fire Department, he knew of the tremendous job-related hazards faced by his fellow fire fighters and, therefore, initiated a physical fitness pilot study to provide a program to improve firefighter's survival rate; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, both houses concurring, That we hereby extend congratulations to Mr. William Gerald Mayo on receiving this outstanding honor and direct that a copy of this resolution be presented to Mr. Mayo in declaration of our sincere warm praise and regard.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESEAGE

On motion of Mr. Hilliard, the Senate non-concurred in the following House amendment to the Bill, S. B. 66, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 66

Amend S. 66 in the synopsis on line 7 after the word "Talladega," add the following:

"Madison," Shelby

Further amend S. 66 on line 23 page 1 and on line 10, page 1 after the word "Talladega,"

Add the following:

"Madison," Shelby

HOUSE AMENDMENT TO S. B. 66

On page 4, at the end of Section 1, insert the following language:

Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body.

HOUSE AMENDMENT TO S. B. 66

In Section 1, page 4, immediately following line 16, add the following additional paragraph:

Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body.

HOUSE AMENDMENT TO S. B. 66

On page 4, between lines 16 and 17 insert the following:

Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses.

and requested a Committee on Conference.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	Taylor	
Bailey	Hilliard	Mitchem	Weeks	
Britnell	Lemaster	Smith	White	
Gulledge				—12

Nays:

0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Hilliard, White, and Goodwin.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

Bp Rep. Letson:

H. J. R. 72. DESIGNATING THE BRIDGE IN LAWRENCE COUNTY ON ALABAMA HIGHWAY 33, BETWEEN MOULTON AND COURTLAND, THE "MADISON MILLPOND-CHARLES JORDAN BRIDGE."

WHEREAS, Mr. Charles Jordan, is a resident of Moulton, Alabama; and

WHEREAS, Mr. Charles Jordan has been active in civic affairs for the betterment of his community; and

WHEREAS, Mr. Charles Jordan was responsible in getting up the petition and engaging in the tasks necessary to get a new bridge in Lawrence County on Alabama Highway 33, between Moulton and Courtland; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the bridge in Lawrence County on Alabama Highway 33, between Moulton and Courtland, be herewith designated the "Madison Millpond-Charles Jordan Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided Mr. Charles Jordan.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 72, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Daniels, Turnham, Boles and Horn:

H. J. R. 24. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FEASIBILITY OF ALABAMA'S CONTINUATION IN THE FEDERAL SOCIAL SECURITY PROGRAM.

WHEREAS, the Alabama Legislature wants to preserve the best benefits for its public employees, it is aware that escalating costs require the exploration of the most feasible plan at the most efficient costs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING; That there is hereby created a joint interim committee on the feasibility of Alabama's continuation in the Social Security Program. Said committee shall be composed of three members of the House and three members of the Senate appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall thoroughly study and investigate the feasibility of the State of Alabama withdrawing from the federal Social Security program and the consequences thereof, alternate programs or supplemental systems for public employees. Such study shall cover all facets of the Social Security program and alternate programs, with emphasis on disability, survivor's benefits, mobility and transferability of coverage, tax-exempt advantage of the present Social Security coverage, loss of retirement benefit, the equivalent programs to medicare such as self-insurance, and other relevant factors.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 1st legislative day of the next special and the

1983 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$10,000. Said committee shall be dissolved and discharged of all duties after reporting at the 1983 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Albright (with notice and proof):

H. 159. Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 159, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 159. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McCorquodale, Owens, Hall, Sasser, Biddle, Grouby, Warren, Carothers, Waggoner, Holley, Letson, Turner, Wyatt, Harper (T), Johnson (R. G.), Crow, Smith (C), Gilmer, Cates, Carter, Dixon, Venable, Hammett and Zoghby:

H. 2. To amend section 40-9-19 of the Code of Alabama 1975, as amended, relating to an ad valorem tax exemption from state ad valorem

taxes on homesteads so as to increase the limit of said exemption from \$2,000.00 to \$4,000.00 in assessed value; to further provide for homestead exemptions so as to provide that any county, municipality or other local taxing authority may at any time grant an exemption from any levy of ad valorem taxes levied by such county, municipality or other local taxing authority and to prescribe that such exemption shall not exceed \$4,000.00 in assessed value; and to provide that this amendatory Act shall become null and void and of no further force or effect in this state upon the occurrence of a specified event.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 2. To the Committee on Finance and Taxation.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 123. To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

On motion of Mr. Teague (J), further consideration of the Bill, H. B. 123 was postponed temporarily.

RESOLUTION

Mr. Teague (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. BE IT RESOLVED by the Senate of Alabama that the House return to the Senate, H. B. 7 (seven) for further consideration.

On motion of Mr. Teague (J), the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 40. To define the legislative intent, and to provide for a supplemental appropriation for the fiscal year ending September 30, 1982, from the Game and Fish fund to the Game and Fish Division for the purchase of equipment.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cook	Gulledge	Higginbotham
Bailey	deGraffenried	Hall	Holmes
Britnell	Goodwin	Harrison	Keener

Kirkland
Lemaster
Little
MartinMcDonald
Miller
MitchemSt. John
Smith
TaylorVacca
Weeks
White

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 93. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 93, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 93

Amend S. B. 93 on page 8, Section 18, by deleting the following words:

first day of the calendar month immediately following its passage and approval by the Governor or its otherwise becoming a law

and inserting in lieu thereof the following words:

signature of the Governor

Yeas 25; Nays 0.

Yeas:

Messrs.:
Bailey
Britnell
Cook
Denton
Goodwin
GulledgeHall
Hilliard
Holmes
Keener
Kirkland
Lemaster
LittleMartin
McDonald
Miller
Mitchem
Parsons
ProctorSt. John
Smith
Taylor
Vacca
Weeks
White

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 39. To provide authorization to the Department of Conservation and Natural Resources' Parks Division and Marine Resources Division to spend, out of their respective funds, during the fiscal year ending September 30, 1982, the following amounts for the following purposes: (1) Parks Division—Such funds as are necessary for the maintenance, staff, and repair of the Governor's official beach mansion: (2) Marine Resources Division—Such funds as are necessary for Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Mitchem
Bailey	Harrison	Little	Proctor
Britnell	Higginbotham	Martin	St. John
Cook	Holmes	McDonald	Smith
deGraffenried	Keener	Miller	Taylor
Denton	Kirkland		
Goodwin			

—22

Nays:

—0

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 1. To amend Sections 11-88-3, 11-88-8, 11-88-11 and 11-88-21 of the CODE OF ALABAMA 1975 so as to make additional provisions respecting incorporation of authorities thereunder, to make certain provisions with respect to the interest and method and time of computing and paying interest on bonds, to specify the use of proceeds of bonds and the source of payment thereof, to exempt certain transactions from review or control by any other public agency and to provide that the provisions of this act are severable.

Also:

S. 55. To provide certain additional powers and make provisions with respect to authorities organized pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975, and the counties that make findings with respect to the organization of such authorities, including the power to invest moneys of such an authority and apply or assign the income therefrom, to sell or lease all or any part of its systems or grant options to purchase with respect thereto, to loan or advance its moneys to finance the construction of a system or a part thereof, to exempt any system or facility leased or subleased to or

operated or managed by any determining county, whether the lease or sublease be by such an authority or any private party, from all state, county and other taxes, including ad valorem taxes, regardless of the entity that shall hold legal title to such system or facility or any remainder or reversionary interest therein, to exempt any transaction to which any such authority or a determining county is a party from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975, to make certain provisions with respect to rendition of service to citizens of municipalities where no franchise has been granted, to authorize the issuance of temporary obligations by such an authority, to permit such counties to lease or sublease property from such an authority or its vendee or sublessee or lessee, and to manage and operate the same, and to provide that the provisions of this act are severable.

Also:

S. 54. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2½¢ per hen.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 31. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Also:

S. 56. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated nonprofit association; to provide that no assessment levied shall exceed 2½¢ per hen, or other domesticated fowl or other classes of poultry.

Also:

S. 57. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123.

Mr. Cook offered the following amendment to the Bill, H. B. 123, to-wit:

AMENDMENT TO H. B. 123

Amend House Bill 123 on page 2, line 5 by striking the date October 1, 1983 and inserting in lieu thereof the following:

the tax year beginning October 1, 1982

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDoanld	Taylor
Britnell	Hilliard	Miller	Teague (B)
Cook	Holmes	Mitchem	Teague (J)
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	Robertson	Weeks
Goodwin	Lemaster	St. John	White
Hall	Little		

—29

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

And the Speaker of the House has appointed as Committee on part of the House Reps. Waggoner, Lewis, and Cabaniss.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 19. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123 as amended.

On motion of Mr. Cook, the Senate reconsidered the vote by which his amendment to the Bill, H. B. 123, was adopted.

On motion of Mr. Cook, said amendment was laid on the table.

Mr. Little moved that further consideration of the Bill, H. B. 123, be postponed until 1 o'clock P.M., which motion was lost.

And said Bill, H. B. 123, was read a third time at length and passed.

Yeas 25; Nays 5.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	McDonald	Taylor
Britnell	Harrison	Miller	Teague (B)
Callahan	Higginbotham	Mitchem	Teague (J)
Cook	Holmes	Proctor	Weeks
deGraffenried	Kirkland	Robertson	White
Denton	Lemaster		

—25

Nays: Messrs.: Hall, Hilliard, Keener, Martin and Parsons.

—5

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Kennedy (with notice and proof):

H. 157. To amend Act Number 31 of the Alabama Legislature, Second Special Session, 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

RESOLUTION

Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard,

Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. WISHING MR. AL FOX A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Alabama Legislature is pleased to note that although our good friend Mr. Al Fox of the Birmingham News has been hospitalized, he now is recuperating at home following treatment for compound fractures of the shoulder as well as other severe related injuries; and

WHEREAS, we also are pleased to learn that the prognosis is good for his complete recovery and we are hopeful that he soon will be back on duty in the Capitol where, as senior member, he is Dean of the Capitol Press Corps; and

WHEREAS, Mr. Fox has been with the Birmingham News for some 21 years, first as State Editor, and now as political writer; it is through this association that we have been fortunate to know him both as an astute journalist and as a friend we hold in warm affection and regard; and

WHEREAS, Mr. Fox, who attended the University of Tennessee, is a retired U.S. Navy Commander and, in addition to The News, has worked for The Vicksburg Post Herald, The Anniston Star and The Gadsden Times; he is the recipient of the Birmingham News "Big N" Award, Troy State University's Hector Award, and a number of Associated Press Awards, all of which attest to his outstanding ability and professional achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep friendship and regard, we extend to Mr. Al Fox our sincere wishes for the speediest possible recovery and direct that he receive a copy of this resolution in declaration of our concern for him.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

Also:

S. 33. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of

salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Also:

S. 78. To make a conditional appropriation to the Foreign Trade Relations Commission for the fiscal year ending September 30, 1983.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 39. To provide authorization to the Department of Conservation and Natural Resources' Parks Division and Marine Resources Division to spend, out of their respective funds, during the fiscal year ending September 30, 1982, the following amounts for the following purposes: (1) Parks Division—Such funds as are necessary for the maintenance, staff, and repair of the Governor's official beach mansion; (2) Marine Resources Division—Such funds as are necessary for Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

Also:

H. 40. To define the legislative intent, and to provide for a supplemental appropriation for the fiscal year ending September 30, 1982, from the Game and Fish fund to the Game and Fish Division for the purchase of equipment.

Also:

H. J. R. 43. MOURNING THE DEATH OF JAMES ANDERSON HALL.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 75. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of

promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all

taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

Also:

H. 76. To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

Also:

H. 77. Relating to Escambia County; amending Act No. 81-1168, H-95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which pertains to the Tax Assessor and Tax Collector by amending the provisions of Section 3 of said Act, by deleting in its entirety Section 4 of said Act, and by re-numbering the remaining paragraphs.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 24. Relating to Fayette County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Also:

H. 57. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

Also:

H. 105. Relating to Escambia County; providing for the payment, use and distribution of net monies received by Escambia County from severance tax and privilege tax on oil and gas under general or local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended; authorizing certain expenditures from such funds; providing specifically for the allocation of a part of such funds for educational purposes, a part to the Escambia County Industrial Development Authority and a part for the creation and establishment of the Escambia County courthouse and county jail trust fund; providing for the administration and investment of such fund, the use of the interest thereon for certain improvements on the county courthouse and for the construction and equipment of and supplies for the county jail; and providing for dissolving such fund and the reversion of the remainder thereof to the county general fund; repealing specifically: Act No. 344, H. 679, of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771, of the 1978 Regular Session (Acts 1978, p. 1312); Act No. 612, H. 1141, of the 1978 Regular Session (Acts 1978, p. 869); and Act No. 81-1167, H. 85, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which relate to the distribution and allocation of net funds from severance taxes on oil and gas; and providing different effective dates for the several provisions of the act, including giving certain provisions hereto retroactive effect; and further repealing any and all local laws in conflict with any section of this act.

Also:

H. 106. Relating to Escambia County; providing further for the compensation of the sheriff.

Also:

H. 107. Relating to Geneva County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a

voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Also:

H. 135. To amend Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts 1973, p. 147), relating to Coffee County, so as to provide further for the qualifications of the county engineer.

Also:

H. 137. To amend Act No. 592, Regular Session, Alabama Legislature, 1953, providing for a civil service system for the City of Anniston in Calhoun County, Alabama by providing further for exemptions from operation of the Act.

Also:

H. 144. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 47. To amend Section 40-3-7, Code of Alabama 1975, relating to the compensation and mileage for members of boards of equalization, so as to provide further therefor; and to make the provisions retroactive.

was taken up.

Mr. St. John moved that further consideration of the Bill, H. B. 47, be postponed temporarily.

Mr. Taylor moved that the motion to postpone be laid on the table, which motion was lost.

The question recurred on the motion of Mr. St. John, which was adopted, and further consideration of the Bill, H. B. 47, was postponed temporarily.

The Bill:

H. 38. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor	
Bailey	Keener	Mitchem	Teague (J)	
deGraffenried	Kirkland	Parsons	Vacca	
Goodwin	Lemaster	Proctor	Weeks	
Gulledge	Little	Smith		—19
Higginbotham				

Nays: —0

The Bill:

H. 37. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Keener	Miller	Taylor	
deGraffenried	Kirkland	Mitchem	Teague (B)	
Denton	Lemaster	Parsons	Teague (J)	
Goodwin	Little	Proctor	Vacca	
Gulledge	Martin	St. John	Weeks	
Holmes	McDonald	Smith	White	—23

Nays: —0

The Bill:

H. 33. To amend Section 11-10-2, Code of Alabama 1975, as amended, which relates to the making of loans by counties in anticipation of taxes so as to increase the allowable amount of such loans and to increase the allowable interest rate on such loans.

was read a third time at length and passed.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Hilliard	Miller	Teague (J)	
deGraffenried	Kirkland	Mitchem	Vacca	
Denton	Lemaster	St. John	Weeks	
Goodwin	Martin	Smith	White	
Gulledge	McDonald	Taylor		—19
Hall				

Nay: Mr. Little. —1

MOTION TO RECESS LOST

At 12 o'clock Noon, Mr. Hall moved that the Senate take a recess until 1:45 P.M., which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

H. 15. To provide for issuance of a permit by the state fire marshal to a fire protection sprinkler contractor, which said permit must first be presented to the local building official before being allowed to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water spray systems; to require testing by the state fire marshal of the competency of an individual who is the owner, partner, officer, or in a management position of the fire protection sprinkler contractor; to prescribe fees for permits issued pursuant to this act; to provide for funds collected pursuant to this act to be deposited in the state fire marshal's fund now authorized by section 24-5-10, Code of Alabama 1975; to prescribe civil penalties for violation of this act.

was taken up.

Mr. Teague (J) offered the following amendment to the Bill, H. B. 15, to-wit:

AMENDMENT TO H. B. 15

Amend H. B. 15 as follows:

By the deletion of the words "and water spray systems" on Page 1, Line 12, and

By the deletion of the words "or water spray systems" on Page 1, Line 26, and

By the deletion of the words "or water spray systems" as they appear on Page 2, Lines 5 and 22, and

By the deletion of Lines 30 and 31 on Page 3 and by the substitution of the following therefor:

"antifreeze systems and circulating closed loop systems.", and

By deletion of the entirety of "Section 1, Subsection (6)" beginning on Page 3, Line 32 and continuing through Page 4, Line 14, and

By the deletion of the words "or water spray systems" as they appear on Page 4, Lines 25 and 32, and

By the deletion of the words "or water spray systems" on Page 6, Line 37, and

By the deletion of the words "or water spray systems" on Page 7, Line 11, and

By the deletion of the words "or water spray systems" on Page 8, Line 16.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:
Bailey

Denton
Goodwin

Gulledge
Hall

Higginbotham
Holmes

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Kirkland	Miller	Proctor	Teague (J)	
Little	Mitchem	Smith	Weeks	
Martin	Parsons	Teague (B)	White	
				—19

Nays: —0

And said Bill, H. B. 15, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith	
Bailey	Higginbotham	McDonald	Teague (J)	
Denton	Holmes	Miller	Weeks	
Goodwin	Kirkland	Mitchem	White	
Gulledge	Little	St. John		—18

Nays: —0

RESOLUTION

Messrs. Teague (J), Holmes, and Proctor offered the following Senate Resolution, to-wit:

S. R. 47. COMMENDING COUNTRY MUSIC GREAT, ERNEST TUBB, AND EXPRESSING APPRECIATION FOR HIS RECENT APPEARANCE IN TALLADEGA.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 116. To make a conditional appropriation for the payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency for the fiscal year ending September 30, 1983, from the General Fund of the State Treasury.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	Miller	Smith	
Bailey	Holmes	Mitchem	Teague (B)	
Cook	Kirkland	Parsons	Teague (J)	
Goodwin	Little	Proctor	White	
Gulledge	McDonald	Robertson		—18

Nays: —0

RESOLUTION

Messrs. Little, Higginbotham, and Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. CREATING A LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY AD VALOREM TAXES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a Legislative Joint Interim Committee to study, review and examine all aspects of ad valorem taxes. Said Committee shall be composed of 3 members from each the House and the Senate appointed by the Speaker of the House and the Lieutenant Governor. The Chairman and Vice-Chairman of the Committee shall be elected at the first meeting by the members of the Committee and shall adopt all necessary rules of procedure. Said Committee shall study and evaluate all facets of taxation of real property including, but not limited to, any orders issued by the federal courts and the statewide reappraisal of property.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the Committee's work. Additional assistance shall be provided by the Legislative Reference Service, Legislative Fiscal Office, or any public board, commission, committee or agency.

Said Committee shall report its findings, conclusions and recommendations to the Legislature not later than the 1st legislative day of the next special session, tentatively set to be called on August 9, 1982, at which time the Committee shall be abolished.

Each member of the Committee shall be entitled to his regular legislative compensation, his per diem mileage and travel expenses for each Committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the Committee Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the Committee.

The total expenses of the Committee shall not exceed \$7,500.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 46. To provide that any retired member of the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama who has selected a survivor option may cancel the survivor allowance payable to his designated beneficiary and name such new beneficiary as he shall nominate to receive a pro rata payment for the number of days said member shall live during the month of his death and to provide that such election to cancel the beneficiary allowance shall be irrevocable.

was read a third time at length and passed.

Yeas 20; Nays 2.

Yeas:

Messrs.:
Bailey
Callahan

Cook
deGraffenried
Goodwin

Gulledge
Holmes
Keener

Kirkland
Lemaster
Martin

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McDonald	Parsons	Teague (J)	Weeks	
Miller	Teague (B)	Vacca	White	
Mitchem				—20

Nays: Messrs.: Harrison and Proctor. —2

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 5. Relating to Sumter County; providing further for the compensation of the board of registrars.

Also:

H. 6. Relating only to Sumter County, to further provide for the distribution of the tax levied by Act No. 82-344, Acts of Alabama, Regular Session 1982.

Also:

H. 20. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grant, Alabama.

Also:

H. 23. Relating to Russell County; increasing the salary of the sheriff effective at the next term of office and repealing Act No. 191, H. 750, 1973 Regular Session (Acts 1973, p. 228).

Also:

H. 43. Relating to Etowah County; requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

Also:

H. 27. Proposing an amendment to the Constitution of 1901, relating to Etowah County, authorizing the county governing body to provide for fire fighting districts and services within Etowah County and to maintain such districts.

Also:

H. 44. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Blount County and for the consolidation of the duties of said offices into a new office.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 47

The Senate proceeded to further consideration of the Bill, H. B. 47.

Mr. Taylor offered the following amendment to the Bill, H. B. 47, to-wit:

AMENDMENT TO H. B. 47

On page 4, Section 2, line 25, delete the period and insert in lieu thereof:

provided, however, the provisions of this bill will be void and have no effect whatsoever if the current reappraisal of real property is not applied in the fiscal year ending September 30, 1983.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Taylor	
Bailey	Kirkland	Mitchem	Teague (J)	
deGraffenried	Lemaster	Proctor	Vacca	
Denton	Little	St. John	Weeks	
Goodwin	Martin			—18
Hall				

Nays: —0

And said Bill, H. B. 47, as thus amended, was read a third time at length and passed.

Yeas 16; Nays 1.

Abstaining 1.

Yeas:

Messrs.:	Goodwin	Holmes	Mitchem	
Bailey	Gulledge	Kirkland	Taylor	
Cook	Harrison	McDonald	Teague (J)	
deGraffenried	Higginbotham	Miller	Vacca	
Denton				—16

Nay: Mr. Little. —1

Abstaining: Mr. Keener. —1

BILL RECONSIDERED

On motion of Mr. Robertson, the Senate reconsidered the vote by which the Bill, H. B. 123, was passed.

On motion of Mr. Robertson, the Senate reconsidered the vote by which the Bill, H. B. 123, was ordered to its third reading.

Mr. Cook offered the following amendment to the Bill, H. B. 123, to-wit:

AMENDMENT TO H. B. 123

Amend House Bill 123 on page 2, line 5 by striking the date October 1, 1983 and inserting in lieu thereof the following:

the tax year beginning October 1, 1982

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Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John
Bailey	Higginbotham	McDonald	Smith
Britnell	Holmes	Miller	Teague (J)
Cook	Keener	Mitchem	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Denton	Lemaster	Robertson	White
Hall	Little		

—25

Nays: —0

Mr. Robertson offered the following amendment to the Bill, H. B. 123, as amended, to-wit:

AMENDMENT TO H.B.123, AS AMENDED

Amend House Bill 123, page 2, line 7, after "1980-81", by adding the following:

"provided however, nothing in this Act shall be deemed to affect any provision of any Act heretofore passed by the legislature respecting the assessment of Class III property at its current use value for any tax years beginning on or after October 1, 1981."

Mr. White moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 14.

Yeas:

Messrs.:	Hall	Martin	Teague (B)
Bailey	Hilliard	Parsons	Vacca
deGraffenried	Keener	Smith	White

—11

Nays:

Messrs.:	Goodwin	McDonald	Robertson
Britnell	Harrison	Miller	Taylor
Callahan	Holmes	Mitchem	Teague (J)
Denton	Lemaster	Proctor	

—14

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 7. To propose an amendment to the Constitution of Alabama, 1901, to provide that Sumter, Choctaw, Greene, Hale, Pickens, Wilcox, Perry, Dallas, and Marengo Counties shall be exempt from certain provisions of Act No. 82-407, H. 80 of the 1982 Regular Session, which relate to fees and

hunting period for certain residents and nonresidents, and it provides further therefor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RECESS

At 1:05 P.M., on motion of Mr. Keener, the Senate took a recess until 1:20 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123, as amended. The question was on the amendment offered by Mr. Robertson.

On motion of Mr. McDonald, further consideration of the Bill, H. B. 123, as amended, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

H. 125. To amend Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, and Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, so as to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Taylor	
Bailey	Harrison	Little	Teague (J)	
Britnell	Holmes	McDonald	Vacca	
Cook	Keener	Miller	Weeks	
deGraffenried	Kirkland	Robertson		—18

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

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Appointments of Eleanor Unger Inge, Messrs. W. Troy Massey, and Eddie G. Player to the Alabama A & M University Board of Trustees.

On motion of Mr. McDonald, the appointment of Ms. Inge was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	McDonald	Taylor	
Bailey	Holmes	Miller	Teague (B)	
Britnell	Keener	Mitchem	Teague (J)	
deGraffenried	Kirkland	Parsons	Vacca	
Denton	Lemaster	Robertson	Weeks	
Hall	Little	Smith	White	
Harrison	Martin			—25

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Massey was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	McDonald	Taylor	
Bailey	Holmes	Miller	Teague (B)	
Britnell	Keener	Mitchem	Teague (J)	
deGraffenried	Kirkland	Parsons	Vacca	
Denton	Lemaster	Robertson	Weeks	
Hall	Little	Smith	White	
Harrison	Martin			—25

Nays: —0

On motion of Mr. McDonald, the appointment of Mr. Player was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hilliard	McDonald	Taylor	
Bailey	Holmes	Miller	Teague (B)	
Britnell	Keener	Mitchem	Teague (J)	
deGraffenried	Kirkland	Parsons	Vacca	
Denton	Lemaster	Robertson	Weeks	
Hall	Little	Smith	White	
Harrison	Martin			—25

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 93. To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

Also:

S. 1. To amend Sections 11-88-3, 11-88-8, 11-88-11 and 11-88-21 of the CODE OF ALABAMA 1975 so as to make additional provisions respecting incorporation of authorities thereunder, to make certain provisions with respect to the interest and method and time of computing and paying interest on bonds, to specify the use of proceeds of bonds and the source of payment thereof, to exempt certain transactions from review or control by any other public agency and to provide that the provisions of this act are severable.

Also:

S. 19. To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

Also:

S. 31. To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sale price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

Also:

S. 32. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

Also:

S. 33. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of

salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Also:

S. 54. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

Also:

S. 55. To provide certain additional powers and make provisions with respect to authorities organized pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975, and the counties that make findings with respect to the organization of such authorities, including the power to invest moneys of such an authority and apply or assign the income therefrom, to sell or lease all or any part of its systems or grant options to purchase with respect thereto, to loan or advance its moneys to finance the construction of a system or a part thereof, to exempt any system or facility leased or subleased to or operated or managed by any determining county, whether the lease or sublease be by such an authority or any private party, from all state, county and other taxes, including ad valorem taxes, regardless of the entity that shall hold legal title to such system or facility or any remainder or reversionary interest therein, to exempt any transaction to which any such authority or a determining county is a party from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975, to make certain provisions with respect to rendition of service to citizens of municipalities where no franchise has been granted, to authorize the issuance of temporary obligations by such an authority, to permit such counties to lease or sublease property from such an authority or its vendee or subleasee or lessee, and to manage and operate the same, and to provide that the provisions of this act are severable.

Also:

S. 57. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Also:

S. 78. To make a conditional appropriation to the Foreign Trade Relations Commission for the fiscal year ending September 30, 1983.

Also:

S. 81. To amend Sections 22-21-260 through 22-21-270 relating to the control and regulation of development of certain health care facilities; changing the designated agency from the State Board of Health to the State Health Planning and Development Agency and identifying composition thereof; removing from law the designated health system agency; makes changes in the State Health Plan by removing from law the State Medical Facilities Plan; raises the thresholds for expenditures; restricts use of tax money for advertising; raises the cost of filing for a Certificate of Need; changes the period of validation. This law effective upon passage.

Also:

S. J. R. 24. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY ALL ASPECTS OF THE TEACHERS' RETIREMENT SYSTEM AND THE STATE EMPLOYEES' RETIREMENT SYSTEM.

Also:

S. J. R. 35. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

Also:

S. 56. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF CONFERENCE COMMITTEE

SENATE BILL 66

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning Senate Bill 66 have met in conference and have agreed to accept the attached substitute.

EARL GOODWIN,
EARL F. HILLIARD,
DEWEY WHITE, JR.,
Conferees on the part of the Senate.
W. J. CABANISS, JR.,
M. DUANE LEWIS,
J. T. "JABO" WAGGONER, JR.,
Conferees on the part of the House.

July 2, 1982

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 66

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa Counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of Sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this State.

The names and addresses of all parties involved in conveyances of land herein provided, and the amount of any monies paid or received, shall be published in the newspaper in the county with the largest circulation.

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the Legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said Legislature.

Furthermore, no county or municipality shall sell any real property acquired under the authority hereof for a price less than its actual purchase and development cost of such property, unless:

(a) The price be approved at a public meeting of the governing body of such county or municipality; and

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. This amendment shall not become effective in any of the counties herein as listed in the title and Section 1 unless it be approved by a majority of the electorate of the respective county participating in the election for the ratification of this amendment, as provided for in Section 2 above.

CONFERENCE REPORT

On motion of Mr. White, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Holmes	McDonald	Taylor
Bailey	Keener	Miller	Teague (J)
Cook	Kirkland	Mitchem	Vacca
Goodwin	Lemaster	Robertson	Weeks
Hall	Little	Smith	Whitie
Harrison	Martin		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 72. DESIGNATING THE BRIDGE IN LAWRENCE COUNTY ON ALABAMA HIGHWAY 33, BETWEEN MOULTON AND COURTLAND, THE "MADISON MILLPOND-CHARLES JORDAN BRIDGE."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 37. To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

Also:

H. 38. To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 33. To amend Section 11-10-2, Code of Alabama 1975, as amended, which relates to the making of loans by counties in anticipation of taxes so as to increase the allowable amount of such loans and to increase the allowable interest rate on such loans.

Also:

H. 46. To provide that any retired member of the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama who has selected a survivor option may cancel the survivor allowance payable to his designated beneficiary and name such new beneficiary as he shall nominate to receive a pro rata payment for the number of days said member shall live during the month of his death and to provide that such election to cancel the beneficiary allowance shall be irrevocable.

Also:

H. 116. To make a conditional appropriation for the payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency for the fiscal year ending September 30, 1983, from the General Fund of the State Treasury.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123, as amended. The question was on the amendment offered by Mr. Robertson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 77. EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Interim Committee to Study the Operation of All State Cafeterias is hereby extended to the last day of the Third Special Session of 1982.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague (B), the Rules were suspended and the Resolution, H. J. R. 77, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 36. To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Keener, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 36, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 36

Amend S. B. 36 on page 1, Section 1, line 30 after the word "thereto" by inserting the following:

provided written approval is obtained from the municipal government and the planning board of such municipality.

Yeas 17; Nays 0.

Yeas:

Messrs.:
Bailey
deGraffenried
Denton
Goodwin

Gulledge
Harrison
Holmes
Keener
Lemaster

McDonald
Miller
Parsons
Robertson

Smith
Teague (J)
Vacca
Weeks

—17

Nays:

—0

RESOLUTION

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. COMMENDING BOY OF THE YEAR, KAZAO MELVIN, OF THE HAWKS-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

WHEREAS, the Legislature of Alabama is pleased to note the selection of young Kazao Melvin as Boy of the Year of the Hawk-Houston Boys Club of Dothan, Alabama; and

WHEREAS, this recognition by the Boys Clubs of America is a prestigious honor indeed and young Kazao Melvin was selected for the award on the basis of outstanding achievement during 1981 and for his accomplishments as a Straight A Student in school, for his contributions within the home, and for his constructive participation in the activities of the Hawk-Houston Boys Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most warmly praise and commend Dothan, Alabama's Kazao Melvin as Boy of the Year of the Hawk-Houston Boys Club and direct that he be presented with a copy of this resolution in token of our sincere regard and warm best wishes for his every future success.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 54. To create a fund to be known as the Public Employees' Individual Retirement Account Fund. To provide for the eligibility requirements for participation in said fund and to provide for the operation and administration of said fund. To further provide for a limitation on investments.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	Teague (B)	
Bailey	Harrison	Little	Teague (J)	
Britnell	Hilliard	Martin	Vacca	
deGraffenried	Holmes	McDonald	Weeks	
Denton	Keener	Parsons	White	
Goodwin	Kirkland	Smith		—22

Nays:

—0

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123, as amended. The question was on the amendment offered by Mr. Robertson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 30. To make a supplemental appropriation to the State Board For Registration of Architects from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

Also:

S. 69. To authorize municipalities incorporated in this state to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

Also:

S. 77. To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to grant franchises and regulate such franchises in certain counties; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

Also:

S. 76. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Also:

S. 90. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 15. To provide for issuance of a permit by the state fire marshal to a fire protection sprinkler contractor, which said permit must first be presented to the local building official before being allowed to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems; to require testing by the state fire marshal of the competency of an individual who is the owner, partner, officer, or in a management position of the fire protection sprinkler contractor; to prescribe fees for permits issued pursuant to this act; to provide for funds collected pursuant to this act to be deposited in the state fire marshal's fund now authorized by section 24-5-10, Code of Alabama 1975; to prescribe civil penalties for violation of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 46. WISHING MR. AL FOX A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 44. COMMENDING MR. WILLIAM GERALD MAYO.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123, as amended. The question was on the amendment offered by Mr. Robertson.

Mr. White offered the following substitute amendment for the Robertson amendment to the Bill, H. B. 123, as amended, to-wit:

AMENDMENT TO H. B. 123

Amend House Bill 123 in the title on page 1, line 17 after the word "promulgated" by striking the period and inserting in lieu thereof the following:

; and to provide that the current use values promulgated by Act 82-302 shall not be implemented until the ad valorem tax year beginning October 1, 1982.

Further Amend the bill on page 2 line 7 by deleting the period and inserting in lieu thereof the following:

; provided however, the current use values promulgated by Act 82-302 shall not be implemented until the ad valorem tax year beginning October 1, 1982.

On motion of Mr. Robertson, said substitute amendment was laid on the table.

SECOND EXTRAORDINARY SESSION
11th Day

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Yeas 20; Nays 7.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Harrison	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague (B)
deGraffenried	Holmes	Miller	Teague (J)
Denton	Lemaster	Proctor	Weeks
Goodwin			—20

Nays:

Messrs.:	Keener	St. John	White
Hall	Parsons	Smith	—7
Hilliard			

And said Robertson amendment to the Bill, H. B. 123, as amended, was then adopted.

Yeas 22; Nays 4.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Harrison	Little	Taylor
Britnell	Higginbotham	McDonald	Teague (B)
deGraffenried	Holmes	Miller	Teague (J)
Denton	Keener	Mitchem	Weeks
Goodwin	Kirkland	Robertson	—22

Nays: Messrs.: Hall, Parsons, Vacca and White. —4

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 103. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 52. To provide a procedure whereby certain local governing bodies in this state may withdraw, from a certain protest account in the state treasury, their shares of certain collected taxes or revenues while litigation is pending on the validity of the Acts which levied such taxes for such revenues.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 52, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 52

Amend Senate Bill 52 on page 1 line 22 after the word "whereby" by adding the State of Alabama and.

Further amend Senate Bill 52 on page 1 line 29 after the words "Section 1." by adding The State of Alabama and.

Further amend Senate Bill 52 on page 1 line 9 after the word "allow" by adding the State of Alabama and.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith
Bailey	Harrison	McDonald	Taylor
Britnell	Holmes	Miller	Teague (J)
Callahan	Keener	Parsons	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Denton	Lemaster	Robertson	White
Goodwin	Little		

—25

Nays:

—0

FURTHER CONSIDERATION OF H. B. 123

The Senate proceeded to further consideration of the Bill, H. B. 123, as amended.

Mr. Smith offered the following amendment to the Bill, H. B. 123, as amended, to-wit:

AMENDMENT TO H. B. 123

In Section 1, page 1, line 36, after the comma, add the following language:

only as respects the state ad valorem taxation,

On motion of Mr. Cook, said amendment was laid on the table.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	McDonald	Taylor
Britnell	Harri	Miller	Teague (B)
Cook	Holme.	Proctor	Teague (J)
deGraffenried	Lemaster	Robertson	Weeks
Denton			

—20

Nays:

Messrs.:	Higginbotham	Parsons	Vacca
Britnell	Keener	Smith	White
Hall	Little		

—9

And said Bill, H. B. 123, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 7.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	McDonald	Taylor
Britnell	Harrison	Miller	Teague (B)
Callahan	Higginbotham	Mitchem	Teague (J)
Cook	Holmes	Proctor	Vacca
deGraffenried	Kirkland	Robertson	Weeks
Denton	Lemaster		

—25

Nays:

Messrs.:	Hilliard	Martin	Smith
Hall	Keener	Parsons	White

—7

RECESS

At 2:30 P.M., on motion of Mr. Robertson, the Senate took a recess until 3:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 123. To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the amendment to the bill:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendmen to be effective only in such counties where approved by the voters thereof.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 49. COMMENDING BOY OF THE YEAR, KAZAO MELVIN, OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 123. To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Messrs. Little, Harrison, Robertson, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. INVITING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD, AND MR. RICHARD G. SMITH, DIRECTOR OF GROUND CONTROL, TO APPEAR BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, Astronauts Ken Mattingly and Henry Hartsfield, pilots for the historic fourth flight of the Space Shuttle Columbia, as well as Mr. Richard G. Smith, Director of Ground Control for the mission, are all graduates of Auburn University and distinguished alumni who have brought great fame and honor to the entire State of Alabama; and

WHEREAS, the Alabama Legislature and, indeed, all citizens of our State are justly proud of these outstanding War Eagle graduates who have so greatly contributed to our nation's space exploration program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend a most cordial invitation to Astronauts Mattingly and Hartsfield and to Ground Control Director Richard G. Smith to address a Joint Session of the Alabama Legislature at a time and date to be later set.

BE IT FURTHER RESOLVED, That Astronauts Mattingly and Hartsfield, and Mr. Smith, be notified, by copies of this resolution, of the request of the Legislature and that we hopefully anticipate an acceptance at their earliest convenience during the next session, Special or Regular, of the Alabama Legislature.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 54. To create a fund to be known as the Public Employees' Individual Retirement Account Fund. To provide for the eligibility requirements for participation in said fund and to provide for the operation and administration of said fund. To further provide for a limitation on investments.

Also:

H. 125. To amend Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, and Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, so as to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

Also:

H. J. R. 20. EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

Also:

H. J. R. 77. EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 15. To provide for issuance of a permit by the state fire marshal to a fire protection sprinkler contractor, which said permit must first be presented to the local building official before being allowed to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems; to require testing by the state fire marshal of the competency of an individual who is the owner, partner, officer, or in a management position of the fire protection sprinkler contractor; to prescribe fees for permits issued pursuant to this act; to provide for funds collected pursuant to this act to be deposited in the state fire marshal's fund now authorized by section 24-5-10, Code of Alabama 1975; to prescribe civil penalties for violation of this act.

Also:

H. 103. To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 47. To amend Section 40-3-7, Code of Alabama 1975, relating to the compensation and mileage for members of boards of equalization, so as to provide further therefor; and to make the provisions retroactive.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 23. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. White moved that the Senate concur in and adopt the following House amendment to the Bill, S. B. 23, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 23

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-36-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-36-2. (a) The state textbook committee shall be composed of 16 23 members. Four of such members shall be secondary school classroom teachers and four elementary school classroom teachers. One of these eight members shall be appointed from each of the eight seven congressional districts, as such districts are now constituted, and one shall be appointed statewide. There shall also be four members appointed from the state at large, and these four members may be either classroom teachers or persons actively engaged in the supervisory or administrative capacity in the field of education. There shall be two members of the committee who are employees of state institutions of higher learning. These 14 members of the state textbook committee shall each be appointed by the state board of education upon nominations made by the state superintendent of education. In addition, two Nine members shall be appointed by the Governor, subject to the confirmation of the Senate, one from each of the seven congressional districts, as such districts are now constituted and two appointed statewide and, these two shall be members of local city or county boards of education at the time of their appointment. Neither of these members shall have been employed in the field of education. All members of the textbook committee shall be appointed for terms of one year, beginning on the first day of July May. Two of the members appointed from the congressional districts shall be recommended by the state superintendent of education. These 9 additional members shall have general knowledge of the subject area to be considered for textbook adoption and shall be supportive of public education and shall have a demonstrated ability to read and write at a post high school level and shall not be employed in education.

"(b) Vacancies in the office of any of the committee members shall be filled by the original appointing authority, and the appointee shall hold office for the unexpired term and until his successor is appointed and qualified.

"(c) In order to qualify as a member of the committee, each person appointed shall make an affidavit to be filed with the state board of education within 10 days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member of the state textbook committee; that he has no interest, directly or indirectly, in any contract that may be made under this chapter; that he has no interest as author, as associate author, as publisher or as a representative of the author or publisher of any textbook; that he has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm or corporation engaged in manufacturing, publishing or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his agents or anyone interested in or intending to bias his judgment in any way in the selection of any textbook up for adoption; also that he will not reveal to anyone, except to the state board of education, the findings, ratings or grading of the state textbook committee.

"(d) It shall be a misdemeanor for any member of said committee or the secretary thereof, or for any other person, to disclose ratings and gradings to anyone except to the state board of education, until after the contracts are made, and anyone found guilty of doing so shall be fined not exceeding \$500.00 and also may be imprisoned or sentenced to hard labor for a term not exceeding six months."

Section 2. The vacancies created by the passage of this act shall be filled immediately and those appointed shall serve until confirmed by the Senate during the first legislative session subsequent to the passage of this act. All subsequent appointments by the Governor shall be submitted and confirmed by the Senate by April 1 each year thereafter.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Mr. Little offered a substitute motion that the Senate non-concur in the House amendment and request a Committee on Conference.

On motion of Mr. White, the motion to non-concur was laid on the table.

The question was then on the motion of Mr. White, which was adopted, and the Senate concurred in and adopted the House amendment to the Bill, S. B. 23.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Harrison	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague (B)
Callahan	Holmes	Miller	Teague (J)
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Denton	Lemaster	Robertson	White
Goodwin			

—28

Nay: Mr. Hall.

—1

COMMUNICATIONS FROM THE SUPREME COURT
THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
SPECIAL TERM, 1982

To the Members of the Senate
State Capitol
Montgomery, Alabama
Gentlemen:

We are in receipt of Senate Resolution No. 16 requesting an advisory opinion of the Justices relative to pending Senate Bill 88, which would create an additional circuit judgeship for the Tenth Judicial Circuit.

Senate Resolution No. 16 is as follows:

"BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the important constitutional question which [has] arisen concerning the pending S. B. 88 of the 1982 Second Special Session, which bill pertains, inter alia, to create a new judgeship in the Tenth Judicial Circuit. Copies of said bill are attached hereto and made a part hereof by reference.

"1. Does S. B. 88, which provides for the creation of an additional circuit judgeship in Jefferson County and does not require such position to be filled by appointment on nomination made by a judicial commission violate the provisions of the Constitution of Alabama of 1901, as amended?

"RESOLVED FURTHER That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 88 to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution."

We respectfully decline to answer the question presented because the Justices have consistently declined to give advisory opinions on the general constitutionality of pending legislation, and have restricted such opinions to questions of the constitutionality of pending legislation under specific provisions of the Constitution. Opinion of the Justices, 335 So. 2d 392 (Ala. 1976); Opinion of the Justices, 373 So. 2d 1050 (Ala. 1979); Opinion of the Justices, 252 Ala. 527, 41 So. 2d 775 (1949).

In August of 1981 the Justices declined to answer a similar question regarding the creation of additional judgeships in the Tenth Judicial Circuit. A copy of that opinion is attached.

Respectively submitted,
C. C. TORBERT, JR.,
Chief Justice.
JAMES H. FAULKNER,
RICHARD L. JONES,
RENEAU P. ALMON,
T. ERIC EMBRY,
SAM A. BEATTY,
Associate Justices.

THE STATE OF ALABAMA - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

SPECIAL TERM, 1981

To the Members of the Senate
State Capitol
Montgomery, Alabama
Gentlemen:

In Senate Resolution 29¹ you requested our opinion regarding "S. B. 87 of the 1981 First Special Session,"² which pertains to the creation, appointment, qualifications, powers, duties, compensation and appropriation for three proposed new judicial offices in the Tenth Judicial Circuit. The question asked are as follows:

"1. Does Section 1 of this bill contravene Amendment 83 of the Constitution of 1901?"

"2. Does Section 2 of this bill contravene Amendment 83 of the Constitution of 1901?"

"3. Does Section 1 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?"

"4. Does Section 2 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?"

Since the passage of Act No. 43, Acts of Alabama, Regular Session 1923 (now codified at § 12-2-10, Code of Alabama 1975), the individual Justices, within permissible limits, have been privileged under the law to give advisory opinions on important constitutional questions then pending in the Legislature; and, in the spirit of harmony and cooperation, a majority of the individual Justices have frequently exercised this privilege. However, this procedure is not without difficulty in that the opportunity is not generally available for opposing views to present their respective positions, nor are pertinent facts presented as is usual in the adversary nature of our judicial system. The Supreme Court's primary function is one of appellate review, exercised in the context of adversary proceedings. The very nature of our judicial process mandates that decisions be rendered only after all sides have presented their respective views, together with appropriate legal precedent and authority supporting such views. When the constitutionality of statutes are so tested, the end result is of binding force and effect; whereas the opinion of the individual Justices, promulgated under § 12-2-10, Code of Alabama 1975, are not so binding under this law. Opinion of the Justices, 254 Ala. 177, 47 So. 2d 655 (1950); Opinion of the Justices, 291 Ala. 581, 285 So. 2d 87 (1973); and Opinion of the Justices, 294 Ala. 589, 319 So. 2d 715 (1975). Thus, opinions of the Justices are merely advisory—consultative only. Opinion of the Justices, 209 Ala. 593, 96 So. 487 (1923).

Advisory Opinion No. 280

Although pending legislation, involving important constitutional issues, falls within the purview of this statutory prerogative, expressions of opinions, hastily and abstractly considered, may well pose a greater danger of confusion and uncertainty than the exercise of judicial restraint in declining to respond to the questions submitted. The issues presented by Senate Resolutions 29 relating to S. B. 87 of the 1981 First Special Session has been

submitted to the Justices of this Court without the benefit of the expression of opposing views by way of written briefs or oral presentation. In our study of the questions posed in Senate Resolution 29, we have noted that the Legislature has created a number of additional circuit judgeships since the ratification of Amendment 328 of the Constitution of 1901 providing for the initial selection of the person to fill the newly created judgeship either by authorizing appointment by the governor, or in some instances providing that the judgeship be filled by election at the next general election. In one such instance, Act No. 79-692 creating the office of circuit judgeship number twenty of the Tenth Judicial Circuit of Alabama, the Legislature provided that the first judge be appointed in the manner provided by Amendments 83 and 110 to the Constitution of Alabama. Thus, the Legislature has authorized additional judgeships, and has further provided for the filling of such judgeships by several different methods. Pending S. B. 87 proposes to establish even another method of initially filling the newly created judgeship. To date, our research has revealed no decided cases by the Supreme Court since the adoption of Amendment 328 which could serve as a precedent or authority to express our opinion with respect to the questions posed by Senate Resolution 29.

Respectfully and regretfully, we are compelled to decline to answer the questions here submitted. Because of the complexity of the constitutional issues, the absence of any clear apparent authority readily discernible from a plain reading of the pertinent language of the present State Constitution and statutes, and the serious legal and political implications here involved, our considered judgments constrain us to await the appropriate adversary context of a more deliberative litigated proceeding in which to address and postulate a definitive response to these issues.

Respectfully submitted,

C. C. TORBERT, JR.,
Chief Justice.

HUGH MADDOX,

JAMES H. FAULKNER,

RICHARD L. JONES,

RENEAU P. ALMON,

JANIE L. SHORES,

T. ERIC EMBRY,

SAM A. BEATTY,

OSCAR W. ADAMS, JR.,
Associate Justices.

FOOTNOTES

¹Set out in appendix A.

²Set out in appendix B.

S. R. 29. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO PENDING S. B. 87 OF THE 1981 FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the important constitutional questions which have arisen concerning the pending S. B. 87 of the 1981 First Special Session, which bill pertains, inter alia, to creating three new judgeships in the Tenth Judicial Circuit, providing for their appointment, qualifications, powers, duties and compensation and benefits. Copies of said bill are attached hereto and made a part hereof by reference.

1. Does Section 1 of this bill contravene Amendment 83 of the Constitution of 1901?

2. Does Section 2 of this bill contravene Amendment 83 of the Constitution of 1901?

3. Does Section 1 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?

4. Does Section 2 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?

5. Does Section 2 propose a local law within the meaning of Article 4, Section 106 of the Constitution?

6. Does Section 6 propose a local law within the meaning of Article 4, Section 106 of the Constitution?

7. Does the provisions of this bill violate the provisions of Article 4, Section 110?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 87 with attachments to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Appendix B

S. 87

By Mr. Pearson

RFD - Finance & Taxation

Rd 1 - 8-6-81

A BILL TO BE ENTITLED AN ACT

To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to prescribe definitions and legislative intent; to provide for the appointment of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to amend Section 12-17-20 of the Code of Alabama 1975; to make an appropriation to the unified judicial system from the general fund of the

state treasury for the fiscal years ending September 30, 1981 and September 30, 1982; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this act; and to provide that the provisions of the act are non-severable.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of the legislature that the three judgeships created by this act are not vacancies and, therefore, not subject to the provisions of Amendment 83 to the Constitution of 1901. As used in this act the word "created" shall mean to bring into being; to cause to exist and the word "vacancy" shall mean an office existing prior to the provisions of this act which office is unoccupied.

Section 2. There are hereby created the offices of circuit judgeships Nos. 21, 22, and 23 of the Tenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said circuit now existing. The first judges of said additional circuit judgeships Nos. 21, 22, and 23 shall be appointed by the Governor and shall hold office until their successors have been elected and qualified as provided by law. The judges of said circuit judgeships Nos. 21, 22 and 23 shall be appointed for the same terms of office as other circuit judges are elected in the state as provided by Section 6.14 of Amendment 328.

Section 3. The judges of said circuit judgeships Nos. 21, 22, and 23 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all of the qualifications, perform all the duties, and be subject to all the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to, and shall sit in that division of said circuit to which the circuit judges numbers 1 through 4, 6 through 11, 13 through 18 and 20, sit and perform the same duties in said division as preformed by the other judges of the division, subject to assignment by the presiding judge of the circuit.

Section 4. The additional circuit judges appointed pursuant to the provisions of this act shall receive the same salary, and supplements payable in the same manner, as other circuit court judges in the Tenth Judicial Circuit.

Section 5. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

- "(8) There shall be 20 23 circuit judges in the tenth judicial circuit.
- "(9) There shall be two circuit judges in the eleventh judicial circuit.
- "(10) There shall be two circuit judges in the twelfth judicial circuit.
- "(11) There shall be nine circuit judges in the thirteenth judicial circuit.
- "(12) There shall be three circuit judges in the fourteenth judicial circuit.
- "(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.
- "(14) There shall be four circuit judges in the sixteenth judicial circuit.
- "(15) There shall be three circuit judges in the eighteenth judicial circuit.
- "(16) There shall be two circuit judges in the nineteenth judicial circuit.
- "(17) There shall be three circuit judges in the twentieth judicial circuit.
- "(18) There shall be two circuit judges in the twenty-second judicial circuit.
- "(19) There shall be six circuit judges in the twenty-third judicial circuit.
- "(20) There shall be two circuit judges in the twenty-fifth judicial circuit.
- "(21) There shall be two circuit judges in the twenty-sixth judicial circuit.
- "(22) There shall be two circuit judges in the twenty-seventh judicial circuit.
- "(23) There shall be two circuit judges in the twenty-eighth judicial circuit.
- "(24) There shall be two circuit judges in the twenty-ninth judicial circuit.
- "(25) There shall be two circuit judges in the thirtieth judicial circuit.
- "(26) There shall be two circuit judges in the thirty-first judicial circuit.
- "(27) There shall be two circuit judges in the thirty-second judicial circuit.
- "(28) There shall be two circuit judges in the thirty-third judicial circuit.
- "(29) There shall be two circuit judges in the thirty-seventh judicial circuit.
- "(30) There shall be two circuit judges in the thirty-eighth judicial circuit."

Section 6. The provisions of Section 5 of this act shall be effective upon the filling of the three new judgeships in the Tenth Judicial Circuit by the Governor.

Section 7. There is hereby appropriated to the unified judicial system from the general fund, the sum of fifty thousand dollars for the fiscal year 1980-81 and the sum of two hundred and thirty-five thousand dollars for the fiscal year beginning October 1, 1981, for the support and maintenance of the additional circuit judgeships herein created. These sums shall be in addition to any and all appropriations hereinbefore or herewith made.

Section 6. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed.

Section 7. The provisions of this act are inseparable and non-severable and that if any section, clause or provision herein shall be declared unconstitutional or invalid, the entire act shall be null and void ab initio.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

OPINIONS RENDERED

The foregoing Communications from the Supreme Court were read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 94. To direct commissioner of revenue to defer the implementation of the new property tax reassessment plan, recently promulgated, for one year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Cook moved that the Senate concur in and adopt the following House amendment to the Bill, S. B. 94, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO H. B. 94

A BILL TO BE ENTITLED AN ACT

To amend section 40-9-19 of the Code of Alabama 1975, as amended, relating to an ad valorem tax exemption from state ad valorem taxes on homesteads so as to increase the limit of said exemption from \$2,000.00 to \$4,000.00 in assessed value; to further provide for homestead exemptions so as to provide that any county, municipality or other local taxing authority may at any time grant an exemption from any levy of ad valorem taxes levied by such county, municipality or other local taxing authority and to prescribe

that such exemption shall not exceed \$4,000.00 in assessed value; and to provide that this amendatory Act shall become null and void and of no further force or effect in this state upon the occurrence of a specified event.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-9-19 of the Code of Alabama 1975, as amended, is hereby further amended to read as follows:

"§40-9-19. (a) Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000.00 \$4,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes.

The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person "permanently and totally disabled" and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue.

(b) For tax years beginning on and after October 1, 1981, for residents of this state not over 65 years of age, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied, except ad valorem taxes levied for school districts, by any county of this state. In no case shall such exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age except as provided in subsection (c) of this section.

(c) For tax years beginning on and after October 1, 1981, the governing body of any county, municipality or other local taxing authority may at any time grant by resolution or ordinance an exemption from any levy of ad valorem property taxes levied by such county, municipality or other local taxing authority on homesteads, as defined by the Constitution and laws of Alabama, of residents of this state not over 65 years of age. In no case shall such exemption herein allowed apply to more than one person, head of the family, nor shall said exemption, when added to any other homestead exemption applicable to the same ad valorem tax levy, exceed \$4,000.00 in assessed value, nor 160 acres in area. Any homestead exemption granted pursuant to this subsection (c) may be adjusted, rescinded or reinstated at any time by resolution or ordinance of the governing body of the county, municipality or other local taxing authority granting such exemption. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority; provided however, any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, which action shall affect countywide or district ad valorem taxes levied solely for the support of county or city school districts, shall be taken by resolutions of the governing bodies and boards of the school systems that are recipients of the proceeds of the ad valorem tax so affected by such action. The provisions of this subsection (c) shall in no way annul or reduce exemptions provided under subsections (a), (b) and (d) of this section.

(d) For tax years beginning on and after October 1, 1981, for residents of this state, over 65 years of age who have an annual adjusted gross income of less than \$12,000.00 as reflected on the most recent state income tax return or some other appropriate evidence, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, homesteads, as defined in the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied by any county of this state, including such taxes levied for school districts. In no case shall such exemption exceed \$5,000.00 in assessed value, nor 160 acres in area. With respect to homesteads situated in more than one county, the exemption granted herein shall be prorated between the counties in which the homestead is situated in the proportion that the area of the homestead in each county bears to the total area of the homestead claimed for exemption.

The department of revenue may by regulation define and specify the condition or state of health that makes a person "permanently and totally disabled" and may issue certificates of disability to any person that meets such specifications. Any person who is drawing any pension or annuity from the armed services, a private company or any governmental agency because he is permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the department of revenue.

(e) The grant of any homestead exemption provided under the provisions of this section shall not be allowed if such grant shall prevent the payment of any bonded indebtedness secured by any tax to which the homestead exemption would apply."

Section 2. This amendatory Act shall become null and void and of no further force or effect in this state if any statute, order of any court of competent jurisdiction or action by any government agency shall prevent the implementation of the new property tax reappraisal plan promulgated by the Alabama Department of Revenue (i.e. Division Directive No. 1 dated July 1, 1980 as amended by Change No. 1 To Division Directive No. 1 dated April 29, 1981).

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Keener offered a substitute motion that the Senate non-concur in the House amendment.

Mr. Cook moved that the motion to non-concur be laid on the table, which motion was lost.

The question was then on the motion to non-concur, and said motion was lost.

Yeas 6; Nays 21.

Yeas:

Messrs.:	Higginbotham	Little	Smith	
Hall	Keener	Martin		—6

Nays:

Messrs.:	Denton	Lemaster	Taylor	
Bailey	Goodwin	Miller	Teague (B)	
Britnell	Gulledge	Parsons	Teague (J)	
Callahan	Harrison	Robertson	Weeks	
Cook	Holmes	St. John	White	
deGraffenried	Kirkland			—21

Mr. Hall offered a substitute motion that the Senate non-concur in the House amendment to the Bill, S. B. 94, and request a Committee on Conference.

On motion of Mr. St. John, further consideration of the Bill, S. B. 94, and pending motion, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, vetoing the bill, H. 123, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill 123, without his signature and approval.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.
Legal Advisor.

Done this 2nd day of July, 1982.

To The House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 123 without my signature and approval for the following reasons:

Periodic reappraisal of property for ad valorem tax purposes affords all property owners fair and equitable treatment. We are at a point where the reappraisal of property in Alabama as prescribed by the 1971 federal court order is near completion. The fact remains that even after reappraisal, Alabama has the lowest property taxes in the nation. Property taxes are the primary revenue source for funding our local governments and local schools. I believe this legislation will jeopardize these local governments and local boards of education to the point of proration and reduction of services. In addition, the legislative fiscal note attached to this Bill indicates the substantial loss of revenue at the State level.

Respectfully,

FOB JAMES,
Governor.

And the bill:

H. 123. To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

was again read at length and passed by the House, the Governor's veto to the contrary notwithstanding, by a vote of Yeas 79, Nays 0, which was a majority of the whole number elected to the House.

And said bill, together with the veto message proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Cook, the Senate reconsidered the Bill, H. B. 123, the title of which is set out in the foregoing Message from the House.

Yeas 22; Nays 9.

Yeas:

Messrs.:	Denton	Kirkland	Robertson	
Bailey	Goodwin	Lemaster	Taylor	
Britnell	Gulledge	Little	Teague (B)	
Callahan	Harrison	McDonald	Teague (J)	
Cook	Higginbotham	Miller	Weeks	
deGraffenried	Holmes	Proctor		—22

Nays:

Messrs.:	Martin	St. John	Vacca	
Hall	Parson	Smith	White	
Hilliard				—9
Keener				

And said Bill, H. B. 123, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 23, Nays 8.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	McDonald	Teague (B)	
Callahan	Higginbotham	Miller	Teague (J)	
Cook	Holmes	Mitchem	Weeks	
deGraffenried	Kirkland	Proctor		—23
Denton				

Nays:

Messrs.:	Martin	St. John	Vacca	
Hall	Parsons	Smith	White	
Keener				—8

And said Bill, H. B. 123, together with the Governor's Message containing his objections, is herewith returned to the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 30. To make a supplemental appropriation to the State Board For Registration of Architects from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

Also:

S. 36. To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Also:

S. 52. To provide a procedure whereby the State of Alabama and certain local governing bodies in this state may withdraw, from a certain protest account in the state treasury, their shares of certain collected taxes or revenues while litigation is pending on the validity of the Acts which levied such taxes for such revenues.

Also:

S. 69. To authorize municipalities incorporated in this state to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

Also:

S. 76. To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

Also:

S. 77. To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to grant franchises and regulate such franchises in certain counties; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

Also:

S. 90. To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

Also:

S. J. R. 44. COMMENDING MR. WILLIAM GERALD MAYO.

Also:

S. J. R. 46. WISHING MR. AL FOX A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 49. COMMENDING BOY OF THE YEAR, KAZAO MELVIN, OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

Also:

S. 23. To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

Also:

S. 66. Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa Counties and of the municipalities situated therein relating to the arquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

ALBERT McDONALD,
Chairman

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 50. INVITING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD, AND MR. RICHARD G. SMITH, DIRECTOR OF GROUND CONTROL, TO APPEAR BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 50. INVITING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD, AND MR. RICHARD G. SMITH, DIRECTOR OF GROUND CONTROL, TO APPEAR BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE.

ALBERT McDONALD,
Chairman.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Cook, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Tenth and Eleventh Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Tenth and Eleventh Legislative Days were approved by the Senate.

ADJOURNMENT

At 4:40 P.M., on motion of Mr. St. John, the Senate adjourned sine die.

Yeas 17; Nays 10.

Yeas:

Messrs.:	Hall	Lemaster	St. John	
Bailey	Higginbotham	Little	Smith	
Britnell	Hilliard	Martin	Taylor	
deGraffenried	Keener	McDonald	Teague (J)	
Denton				—17
Gulledge				

Nays:

Messrs.:	Holmes	Robertson	Weeks	
Cook	Miller	Teague (B)	White	
Goodwin	Parsons			—10
Harrison				

TWELFTH LEGISLATIVE DAY

MONDAY, JULY 5, 1982

Pursuant to the provisions of Section 58, Annotation No. 1, Constitution of Alabama 1901, the Senate met at 5 o'clock P.M., Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Honorable Charles Britnell, Second Senatorial District.

ROLL CALL

Present:

Messrs.:	Goodwin	McDonald	Taylor
Bailey	Harrison	Miller	Teague (B)
Britnell	Higginbotham	Mitchem	Teague (J)
Callahan	Holmes	Pearson	Vacca
Cook	Kirkland	Proctor	Weeks
deGraffenried	Lemaster	Robertson	White
Denton	Little	Smith	

—26

JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Figures, Glass, Gullede, Hall, Hilliard, Keener, Martin, Parsons, and St. John for today.

BILLS ON THIRD READING

The Bill:

H. 157. To amend Act Number 31 of the Alabama Legislature, Second Special Session, 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Taylor
Bailey	Harrison	Mitchem	Teague (B)
Britnell	Holmes	Pearson	Teague (J)
Callahan	Kirkland	Proctor	Vacca
Cook	Lemaster	Robertson	Weeks
deGraffenried	Little	Smith	White
Denton	McDonald		

—25

Nays:

—0

FURTHER CONSIDERATION OF S. B. 94

The Senate proceeded to further consideration of the Bill:

S. 94. To direct the commissioner of revenue to defer the implementation of the new property tax reassessment plan, recently promulgated, for one year.

and pending the House amendment, which is set out in the Journal of the Senate for the Eleventh Legislative Day.

The question was on the motion of Mr. Hall on the Eleventh Legislative Day that the Senate non-concur in said House amendment and request a Committee on Conference.

On motion of Mr. Cook, the motion to non-concur was laid on the table.

Yeas 13; Nays 11.

Yeas:

Messrs.:	Cook	Kirkland	Robertson	
Bailey	Goodwin	McDonald	Teague (B)	
Britnell	Harrison	Miller	White	
Callahan	Higginbotham			—13

Nays:

Messrs.:	Holmes	Proctor	Teague (J)	
deGraffenried	Little	Smith	Vacca	
Denton	Mitchem	Taylor	Weeks	—11

And on motion of Mr. Cook, the Senate concurred in and adopted the House amendment to the Bill, S. B. 94.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Goodwin	McDonald	Taylor	
Bailey	Harrison	Miller	Teague (B)	
Britnell	Higginbotham	Mitchem	Teague (J)	
Callahan	Holmes	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
deGraffenried	Lemaster	Robertson	White	
Denton	Little			—25

Nay: Mr. Smith. —1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 157. To amend Act Number 31 of the Alabama Legislature, Second Special Session, 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 94. To amend section 40-9-19 of the Code of Alabama 1975, as amended, relating to an ad valorem tax exemption from state ad valorem taxes on homesteads so as to increase the limit of said exemption from \$2,000.00 to \$4,000.00 in assessed value; to further provide for homestead exemptions so as to provide that any county, municipality or other local taxing authority may at any time grant an exemption from any levy of ad valorem taxes levied by such county, municipality or other local taxing authority and to prescribe that such exemption shall not exceed \$4,000.00 in assessed value; and to provide that this amendatory Act shall become null and void and of no further force or effect in this state upon the occurrence of a specified event.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 99. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all

real personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtwon Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings,

if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 51. To amend Section 34-32-19, Code of Alabama 1975, which relates to a separate state fund for the state board of registration for professional soil classifiers, so as to provide for the annual automatic appropriation of such funds to the board for its use.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 15. To provide that if reappraisal tax revenue exceeds a certain percent, the county governing body shall adjust said tax rate.

JOHN W. PEMBERTON,
Clerk.

REPORT OF THE COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 15. To provide that if reappraisal tax revenue exceeds a certain percent, the county governing body shall adjust said tax rate.

Also:

S. 51. To amend Section 34-32-19, Code of Alabama 1975, which relates to a separate state fund for the state board of registration for professional soil classifiers, so as to provide for the annual automatic appropriation of such funds to the board for its use.

Also:

S. 99. To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new

facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation of directors of any such Authority; to provide for the power, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it, to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state exempt for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except

for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

ALBERT McDONALD,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 4

S. B. 8

S. B. 11

S. B. 24

S. B. 61

S. J. R. 3

S. J. R. 12

S. J. R. 13

S. J. R. 14

S. J. R. 17

Delivered to the Governor July 1, 1982, at 2:45 P.M.

S. B. 3

S. B. 7

S. B. 12

S. J. R. 5

S. J. R. 11

S. J. R. 31

S. J. R. 33

S. J. R. 34

S. J. R. 38

S. J. R. 39

S. J. R. 41

S. J. R. 42

Delivered to the Governor July 2, 1982, at 9:55 A.M.

S. B. 93

S. B. 1

S. B. 19

S. B. 31

S. B. 32

S. B. 33

S. B. 54

S. B. 55

S. B. 57

S. B. 78

S. B. 81

S. J. R. 24

S. J. R. 35

Delivered to the Governor July 2, 1982, at 2:05 P.M.

S. B. 56

Delivered to the Secretary of State July 2, 1982, at 2:15 P.M.

S. B. 30

S. B. 36

S. B. 52

S. B. 69

S. B. 76

S. B. 77

S. B. 90

S. J. R. 44

S. J. R. 46

S. J. R. 49

S. B. 23

Delivered to the Governor July 6, 1982, at 9:20 A.M.

S. B. 66

Delivered to the Secretary of State July 6, 1982, at 9:10 A.M.

S. J. R. 50

Delivered to the Governor July 6, 1982, at 10:00 A.M.

S. B. 94

Delivered to the Governor July 6, 1982, at 9:20 A.M.

S. B. 15

S. B. 51

S. B. 99

Delivered to the Governor July 6, 1982, at 4:45 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

ADJOURNMENT

At 6:15 P.M., on motion of Mr. Goodwin, the Senate adjourned sine die.

Yeas 13; Nays 12.

Yeas:

Messrs.:	Goodwin	Robertson	Teague (J)	
Bailey	Harrison	Smith	Vacca	
Britnell	McDonald	Taylor	White	
Denton	Pearson			—13

Nays:

Messrs.:	Higginbotham	Lemaster	Mitchem	
Callahan	Holmes	Little	Proctor	
Cook	Kirkland	Miller	Weeks	
deGraffenried				—12

/s/McDOWELL LEE

McDOWELL LEE,
Secretary.

IN THE LEGISLATURE OF THE STATE OF ALABAMA**STATE SENATE****SECOND EXTRAORDINARY SESSION****LOBBYIST REGISTRATION**

(In accordance with the provisions of Joint Rules of the two houses of the Alabama Legislature, Rules 15-23)

Amos, Doug, Alabama League of Savings Association.

Arrington, Richard H., Southern Railway Company.

Bailey, George F., Alabama Railroad Association.

Biddle, Shirley M., Alabama Education Association.

Brand, James B., Associated Industries of Alabama.

Brindley, Joe, University of Montevallo.

Burnett, Roe, Self.

Butler, Pete, Alabama State Employees Association.

Cobb, William J., South Central Bell.

Crawford, Fred C., Alabama Hospital Association.

Davidson, Rudolph, University of Alabama in Birmingham.

Dexter, Kendall, MacMillan-Bloedel, Inc.

Douglas, Jack F., Alabama Citizens Action Program.

Eader, Michael E., Alabama Association of School Boards; Nellie C. Weil, Pres.

Falkenburg, Francis S., Direct Oil Corporation, Office Prosecution Services, Computer Election Systems, Consolidated Freightways.

Flanagan, N. H., United Transportation Union.

Foshee, E. C. "Crum", Self.

Gibson, Don, Troy State University.

Graffeo, Michael G., City of Birmingham, Alabama.

Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Assn.; Jim Walter Corp.

Harris, Patrick, Unified Judicial System.

Hartsell, Charles Ray, Blue Cross Blue Shield of Alabama.

Holley, Debra H., Alabama Association of School Boards.

Johnson, John B., Alabama Petroleum Council.

Jones, William R., University of Alabama.

Joyce, Robert T., Alabama State Employees Association.

Kotouc, Thomas O., Self.

Livingston, Edwin K., Alabama Tax Assessors and Collectors.

McGregor, Tom, Alabama Gas Corporation.

McRae, Randy Jr., Alabama Chamber of Commerce.

Mann, Floyd H., University of Alabama.

Mawhinney, H. A. "Art", Alabama Wholesale Beer and Wine Association.

Mitchell, Wendell, Alabama Bankers Association; Production Credit Associations of Alabama; Alabama State Employees Association.

Powell, Jerry A., Jr., Alabama Nursing Home Association.

Pruitt, Terry, Alabama State Employees Association.

Richardson, E. Clark, Alabama Power Company.

Roquemore, Perry Crawford, Jr., Alabama League of Municipalities.

Rowe, Charlie, Jacksonville State University.

Sharpless, Oscar, Association of County Commissions of Alabama.

Smith, Marion Duncan, Self.

Smith, Paul M., Jr., Alabama State Employees Association.

Sorrells, Reginald Lee, Association of County Commissions of Alabama.

Spencer, Jerry, Modern Banking Association of Alabama.

Spratt, Ronald Lee, City of Birmingham.

Stansell, Ted M., L. W. Loyd Co.; Wilson & King.

Tankersley, Phil, Alabama State Employees Association.

Trammell, A. G., Alabama AFL-CIO.

Tye, Marvin F., Alabama Wildlife Federation.

Wares, Margaret Bonds, Self.

Ward, James E., Alabama State Federation of Teachers.

Wilson, Grider, Alabama State Employees Association.

Wilson, Robert T., Blue Cross Blue Shield; Browning Fans, Inc.

ROSTER OF THE SENATE OF ALABAMA

1982

George D. H. McMillan, Jr., <i>Lieutenant Governor</i>	State Capitol, Montgomery
Finis St. John, <i>President Pro-Tem</i>	Cullman
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
First Senatorial District	
Bobby Denton	1st Colbert Nat'l. Bank, P. O. Drawer B, Sheffield 35660
Second Senatorial District	
Charlie Britnell	Northwest Alabama State Junior College, Phil Campbell 35851
Third Senatorial District	
Charles B. Martin	P. O. Box 2204, Decatur 35602
Fourth Senatorial District	
Finis St. John	P. O. Drawer K, Cullman 35055
Fifth Senatorial District	
Robert (Bob) Hall	2601 Carson Road, Birmingham 35215
Sixth Senatorial District	
Albert McDonald	Route 1, Madison 35758
Seventh Senatorial District	
Bill Smith	2009 Gallatin St. S.W., Huntsville 35801
Eighth Senatorial District	
James Lemaster	Route 2, Box 228, Scottsboro 35768
Ninth Senatorial District	
Hinton Mitchem	P. O. Box 297, Albertville 35950
Tenth Senatorial District	
Larry H. Keener	816 Chestnut St., Gadsden 35901
Eleventh Senatorial District	
Dewey White	P. O. Box 7685A, Birmingham 35223
Twelfth Senatorial District	
Paschal P. "Pat" Vacca	1617 Mountain Dr., Tarrant 35217
Thirteenth Senatorial District	
J. Richmond Pearson	Citizens Federal Building, P. O. Box 11135, Birmingham 35202
Fourteenth Senatorial District	
Mac Parsons	603 City Federal Building, Birmingham 35203
Fifteenth Senatorial District	
Earl F. Hilliard	P. O. Box 11385, Birmingham 35202
Sixteenth Senatorial District	
Ryan deGraffenried, Jr.	P. O. Box 2427, Tuscaloosa 35401

Seventeenth Senatorial District

Doug Cook P. O. Box 6223-A, Tarrant 35217

Eighteenth Senatorial District

Lister Hill Proctor 121 North Norton Ave.,
Sylacauga 35150

Nineteenth Senatorial District

John A. Teague P. O. Box 427, Childersburg 35044

Twentieth Senatorial District

Donald G. Holmes 1915 Robinhood Dr.,
Oxford 36203

Twenty-first Senatorial District

T. D. "Ted" Little P. O. Box 342, Auburn 36830

Twenty-second Senatorial District

G. J. "Dutch" Higginbotham Troy State University,
Savage Drive, Phenix City 36867

Twenty-third Senatorial District

Mike Weeks P. O. Box 322, Troy 36081

Twenty-fourth Senatorial District

Chip Bailey P. O. Box 6791, Dothan 36302

Twenty-fifth Senatorial District

Wallace Miller 100½ No. Main, Enterprise 36330

Twenty-sixth Senatorial District

Don Harrison 516 S. Perry St., Montgomery 36104

Twenty-seventh Senatorial District

Barry Teague P.O. Box 586, Montgomery 36101

Twenty-eighth Senatorial District

Cordy Taylor P. O. Box 596, Prattville 36067

Twenty-ninth Senatorial District

Earl Goodwin Rt. 7, Box 488, Selma 36701

Thirtieth Senatorial District

Edward D. "Big Ed" Robertson P. O. Box 331, Northport 35476

Thirty-first Senatorial District

Reo Kirkland, Jr. P. O. Box 646, 102 St. Joseph,
Brewton 36426

Thirty-second Senatorial District

Robert I. "Bob" Gullledge P. O. Drawer 3376,
Robertsdale 36567

Thirty-third Senatorial District

Michael A. Figures 1407 Davis Avenue, Mobile 36603

Thirty-fourth Senatorial District

H. L. "Sonny" Callahan P. O. Box 1208, Mobile 36601

Thirty fifth Senatorial District

Bob Glass 733 Lakeshore Dr. W., Mobile 36609

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1982**

FINANCE AND TAXATION

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, Cook, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Taylor, Vacca.

RULES

McDonald, Chairman; Harrison, Vice-Chairman; Teague, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY

deGraffenried, Chairman; Figures, Vice-Chairman; Britnell, Cook, Harrison, Hilliard, Keener, Kirkland, Parsons, Proctor, Robertson, Teague (B), Teague (J), Vacca, White.

GOVERNMENTAL AFFAIRS

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Hilliard, Holmes, Lemaster, Parsons, Proctor.

AGRICULTURE, CONSERVATION AND FORESTRY

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Figures, Glass, Harrison, Hilliard, Little, Weeks.

EDUCATION

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Hilliard, Little, Taylor, White.

HEALTH AND WELFARE

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

BANKING AND INSURANCE

Bailey, Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague (B), Teague (J), Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague (J), Chairman; Callahan, Vice-Chairman; Goodwin, Keener, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Cook, Hilliard, Parsons, Pearson, Proctor, White.

STANDING COMMITTEE ASSIGNMENTS

FOR 1982

ALABAMA STATE SENATE

24th District

CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

2nd District

CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

34th District

H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

17th District

DOUG COOK—Finance and Taxation; Judiciary; Governmental Affairs; Banking and Insurance; Local Legislation No. 2.

16th District

RYAN deGRAFFENRIED, JR.—Chairman, Judiciary; Health and Welfare; Local Legislation No. 1.

1st District

BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

33rd District

MICHAEL A. FIGURES—Vice-Chairman, Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

35th District

BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

29th District

EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

32nd District

ROBERT I. "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

5th District

ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

15th District

EARL F. HILLIARD—Judiciary; Education; Business and Labor Relations; Governmental Affairs; Local Legislation No. 2.

20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Commerce, Transportation and Utilities.

31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Local Legislation No. 2.

18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

27th District

BARRY TEAGUE—Judiciary; Governmental Affairs; Banking and Insurance

19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Rules; Banking and Insurance.

12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

11th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

**HOUSE OF REPRESENTATIVES
SECOND EXTRAORDINARY SESSION, 1982
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles H. Adams, 66	Roy W. Johnson, Jr., 47
H. H. "Bill" Adams, 30	Phillip "Phil" B. Kelley, 26
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
William Clark, 98	Arthur Payne, 15
Wayne Cobb, 5	Leigh Pegues, 86
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Steve Cooley, 10	T. Euclid Rains, Sr., 25
W. F. "Noopie" Cosby, Jr., 85	James E. Ray, 68
Bobby C. Crow, 58	Thomas Reed, 67
Gene Daniels, 73	Frank Riddick, 18
Gerald O. Dial, 60	Tommy Ed Roberts, 9
Larry D. Dixon, 81	J. Thomas Sandusky, 100
Bill Drinkard, 29	James G. Sasser, 69
William D. Edwards, 83	George Seibels, Jr., 32
Sundra E. Escott, 45	Cecil Shavers, 23
Joe M. Ford, 28	Wallace Shoemaker, 55
Robert C. "Bob" Gafford, 33	Curtis Smith, 53
Charles T. Gilmer, 6	James P. Smith, 17
J. W. "Joe" Goodwin, 4	Martha Jo Smith, 21
Richard Gregg, 19	Nelson R. Starkey, Jr., 2
George H. Grimsley, 70	George Stewart, 104
E. A. Grouby, Jr., 82	J. David Stout, 24
Albert Hall, 22	Hoyt W. Trammell, 36
Seth Hammett, 75	Jerome Tucker, 43
Owen Harper, 62	J. E. Turner, 96
Taylor F. Harper, 105	Pete Turnham, 63
A. L. "Tony" Harrison, 44	Jack B. Venable, 76
Bob Harvey, 27	J. T. "Jabo" Waggoner, Jr., 51
John E. Higginbotham, 1	Shelby Dean Ward, 64
L. Brooks Hines, 91	J. E. "Jimmy" Warren, 93
Jimmy W. Holley, 74	Charles W. Whatley, 65
Alvin Holmes, 80	R. Nolan Williams, 72
William Fred Horn, 39	Gerald Willis, 57
Asbury Howard, 49	Cecil Wyatt, 78
Ronald E. Jackson, 38	Mary S. Zoghby, 102
Ronald G. Johnson, 54	

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

1982

SECOND EXTRAORDINARY SESSION

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY
Speaker Pro-Tem, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	John E. Higginbotham	Rt. 11, Box 158, Florence 35630
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 1186, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling	Rt. 2, Box 349, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549

- 13 WALKER
Alvis Naramore 5th Avenue, 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT
Earl Cheatwood Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON
Arthur Payne 2825 2nd. St., N. W. Birmingham 35215
- 16 LIMESTONE
Tommy Carter Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON
James P. (Jim) Smith 108 South Side Square
Huntsville 35801
- 18 MADISON
Frank H. Riddick 7804 Lauderdale Rd., S. W.,
Huntsville 35802
- 19 MADISON
Richard Gregg 4007 Nelson Dr., Huntsville 35810
- 20 MADISON
Robert E. Albright 2024 Stanhope Dr., N. E.,
Huntsville 35811
- 21 MADISON
Martha Jo Smith 1700 Big Cove Rd., S. E.,
Huntsville 35801
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Harris, mrs. Kate, commended upon retirement—
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Hawk, Reginald, commended as king, Hawk-Houston boys club—
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Henderson, dr. Ronald E., commended, election to AMA council on medical service—
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Hendrix, miss Mary Jamie, commended, first runner-up in 1982 America's junior miss pageant—
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Hix, miss Stephanie R., miss Alabama teenager 1982, commended—
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Johnson, mr. and mrs. James, commended for extraordinary community service—
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Livingston, Mr. George F., commended—
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
THIRD
EXTRAORDINARY
SESSION OF 1982

HELD IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, AUGUST 9, 1982



WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
THIRD EXTRAORDINARY
SESSION OF 1982**

**FIRST LEGISLATIVE DAY
MONDAY, AUGUST 9, 1982**

BE IT REMEMBERED, that on the 9th day of August, A.D., 1982, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 3:00 o'clock P.M., Monday, August 9, 1982, and I do hereby designate the following subjects and matters, which I as Governor deemed necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to revise, reform, and amend certain provisions of the Code of Alabama relating to criminal law, criminal procedure, and laws relating to confinement in prison and mental health facilities.
2. A Constitutional Amendment creating the Alabama Higher Education Commission.
3. Legislation to change the name, define the terms, establish the qualifications for membership, and define the role, scope and authority of the Alabama Commission on Higher Education.
4. Local Legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the

JOURNAL OF THE SENATE, 1982
1st Day

Secretary of State, at the capitol, in the City of Montgomery, on this 3rd day of August, 1982.

FOB JAMES,
Governor.

ATTEST.

DON SIEGELMAN
SECRETARY OF STATE

Pursuant to such proclamation, at the hour of 3 o'clock P.M. on Monday, August 9, 1982, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable George McMillan, Lieutenant Governor and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Mr. Richard D. Bailey, Lay Speaker, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Miller	Smith
Bailey	Harrison	Mitchem	Taylor
Callahan	Higginbotham	Parsons	Teague (B)
Cook	Holmes	Pearson	Teague (J)
deGraffenried	Kirkland	Proctor	Vacca
Denton	Little	Robertson	Weeks
Figures	Martin	St. John	White

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LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Britnell, Glass, Goodwin, Hall, Hilliard, Keener, Lemaster, and McDonald for today.

RESOLUTIONS

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR
LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John, Pearson, and Denton.

Mr. St. John then offered the following Senate Resolution, to-wit:

S. R. 2. SUSPENDING PORTION OF SENATE RULE 2.

BE IT RESOLVED BY THE SENATE That that part of Senate Rule 2, which states "The Senate shall meet at 12 o'clock noon on the first day of any organizational, special, or regular session", shall be suspended for this special session only.

Which was adopted.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. COMMENDING AND CONGRATULATING THE PHENIX CITY HAWKS AS OUR NEW STATE SOFTBALL CHAMPIONS.

WHEREAS, the Alabama Legislature is pleased to extend warm congratulations to the Phenix City Hawks on their come-from-behind victory over Heavy Duty Tire Company of Tuscaloosa to claim the State Championship, the first time in 12 years of play for the Lakewood Girls Softball Association; and

WHEREAS, Coaches George Whitmer, Varner Head and Cecil Smith took their slow-pitch softball team to Tuscaloosa where the 13 to 15 year-old girls won eight out of nine games during the three days of state competition; and

WHEREAS, by virtue of their state Title, the Phenix City Hawks have traveled to Hollywood, Florida, to compete with three other state championship teams for the regional crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Phenix City Hawks and their coaches for outstanding accomplishment and direct that they receive copies of this resolution in declaration of our warm congratulations and regard.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Higginbotham then offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. CONGRATULATING PHENIX CITY CHAMPIONS OF THE STATE DIXIE MAJORS BASEBALL TOURNAMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to Phenix City on the Alabama Dixie Majors State Baseball Championship; and

WHEREAS, unbeaten in District play, Phenix City claimed the title with a 4-3 victory over Tuscaloosa, going into the final game 5-0 in the tournament; and

WHEREAS, Phenix City's five big "wins" before the title game included two over both Tuscaloosa and Troy, as well as two against Montgomery Grey, the defending state champions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Phenix City as the new State Dixie Majors Baseball Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the team in expression of the Legislature's sincere warm praise for this outstanding accomplishment.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. MOURNING THE DEATH OF REVEREND W. J. POWELL,

WHEREAS, the Legislature of Alabama grievously notes the death of Reverend W. J. Powell of the Oak Street AME Zion Church; Wednesday, August 4, 1982; and

WHEREAS, he was instrumental in securing the deeds for the Old AME Zion Church here in Montgomery; and

WHEREAS, he was active in community as well as church life of this City; and

WHEREAS, he was one of the key personalities in the Montgomery bus boycott, serving as the First Vice President under the late Dr. Martin Luther King; and

WHEREAS, he was Secretary and a Board Member of the Montgomery Improvement Association; and

WHEREAS, for two years he served as President of the Emancipation Proclamation here in Montgomery.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that we are deeply saddened by the death of Reverend Powell and extend our most heartfelt sympathy to all members of his family.

On motion of Mr. Teague (B), the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Higginbotham:

S. 1. To amend Sections 16-5-1, 16-5-2, 16-5-3, 16-5-4, 16-5-5, 16-5-8, 16-5-9, 16-5-10, and 16-5-13, Code of Alabama 1975, known as the Alabama

Commission on Higher Education (ACHE) to further: define certain terms; establish qualifications for commission members; establish requirements for a quorum of the commission at meetings; provide for appointment of executive officer without confirmation of the senate; grant authority to commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; and amend the commission's powers and duties.

Committee on Education.

By Mr. White:

S. 2. To make legislative findings and state the intention of the Legislature herein; to authorize counties in which receipt of ad valorem taxes is delayed because of failure to complete a reappraisal program to borrow moneys in anticipation of ad valorem taxes to be thereafter collected on behalf of the county and each municipality, school board or other public entity therein which receives ad valorem taxes and which elects to participate in such borrowing in an amount not in excess of 80% of the total amount collected on behalf of each participant during the then preceding fiscal year, plus the expenses of issuance less taxes already paid over; to provide a mechanism by which such participating public entities may indicate their election to participate in the borrowing; to provide a mechanism for the payment of the warrants so issued; to provide that such warrants shall be general obligations of the issuing county additionally secured by a pledge of the taxes to be collected; to authorize the pledge and assignment of the expected receipts of the taxes to the county and to the payment of the warrants; to provide for the proportionate share of each participating entity, and for the application of the proceeds of the warrants and of the taxes in anticipation of which they are issued; to authorize the refunding of such warrants under certain conditions; to provide that such warrants shall constitute preferred claims and audited and allowed claims; to provide that such warrants shall be legal investments, and shall be exempt from the laws of the State regulating usury or interest rates and from the provisions of Section 11-8-10 of the CODE OF ALABAMA 1975; and to provide for severability and an effective date hereof.

Committee on Finance and Taxation.

By Mr. White:

S. 3. To designate a portion of the appropriation made to the Department of Public Health for the fiscal year ending September 30, 1983 pursuant to Act No. 82-569, H. 151 of the 1982 Regular Session, to the Department of Environmental Management.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 4. To amend Section 9 of Act No. 81-1183, H. 71, Third Special Session, 1981, relating to the distribution of revenues from the \$520,000,000 bond issue, initially funded with Oil and Gas Rentals and investment income therefrom, for capital improvement and capital equipment for public schools and other public educational institutions, so as to provide further for a certain discretionary sum.

Committee on Finance and Taxation.

By Mr. Denton:

S. 5. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of swine and swine products; to amend Section 2-8-51 of the Code of Alabama 1975, so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Committee on Finance and Taxation.

By Mr. Denton:

S. 6. To amend Section 40-9-13, Code of Alabama 1975, which exempts certain named organizations from taxation, so as to add the Shoals Presbyterian Apartments, Inc., to the list of exempt organizations.

Committee on Finance and Taxation.

By Messrs. Smith, Holmes, Parsons, Little, White, and Vacca:

S. 7. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

Committee on Judiciary.

By Mr. Mitchem:

S. 8. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Mitchem:

S. 9. To amend Sections 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

Committee on Judiciary.

By Messrs. Denton, Holmes, Teague (B), Higginbotham, Harrison, White, Taylor, and Robertson:

S. 10. To include a definition of a Religious Child Care Facility, §38-7-2, (13), and provide an exemption, §38-7-18, for religious child care facilities from state control.

Committee on Education.

By Mr. St. John:

S. 11. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 12. To amend §40-2-22, Code of Alabama 1975, to require appeals from final assessments of taxes entered by the Department of Revenue shall no longer be triable de novo but shall be subject to the requirements of the Alabama Administrative Procedure Act, §§40-22-1, et seq., Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Martin (with notice and proof):

S. 13. To define, regulate and license barbers and barber colleges and other like businesses in Morgan County; to create a barbers' commission for said county; to prescribe the powers and duties of said commission and to provide a penalty for violation of the provisions hereof.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 13, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Callahan:

S. 14. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Committee on Finance and Taxation.

By Mr. Teague (B):

S. 15. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence

by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, § 13A-3-1, § 15-16-1, § 15-16-24 and all other laws in conflict with this Act.

Committee on Judiciary.

By Messrs. Mitchem and Kirkland:

S. 16. To amend the definitions contained in Section 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Mr. Mitchem:

S. 17. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Committee on Judiciary.

By Mr. Parsons:

S. 18. Relating to the department of forensic sciences; amending Section 36-18-1, Code of Alabama 1975, relating to the appointment and removal of the director of the department of forensic sciences, so as to provide further therefor; and adding two new sections so as to establish a state forensic sciences commission, the powers and duties, and the composition of such commission.

Committee on Government Affairs.

By Mr. Mitchem:

S. 19. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Martin:

S. 20. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire

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1st Day

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protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Committee on Governmental Affairs.

By Mr. Martin:

S. 21. To provide assistance to county boards of registrars by establishing a statewide voter registration file maintenance system to compile the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at least once at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law; to secure lists of persons who are deceased or convicted of felonies; to provide that any elector who fails to vote at least once in a six year period shall be removed from the active voters list; to repeal voter reidentification laws except those currently in progress.

Committee on Governmental Affairs.

By Mr. White:

S. 22. To create a registry of official folk songs and designate the song "Alabama the Beautiful" as one of the folk songs of Alabama.

Committee on Governmental Affairs.

By Mr. White:

S. 23. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Committee on Judiciary.

By Mr. White:

S. 24. To amend Code of Alabama 1975, Sections 22-50-4, 22-50-5, 22-50-6 and 22-50-11(15) so as to restructure the composition of the Alabama Mental Health Board by reducing said membership to seven members, one from each congressional district in the state; and to eliminate the requirement that seven members be licensed physicians and that three be members of the state committee on public health.

Committee on Health and Welfare.

By Mr. White:

S. 25. To amend Section 16-3-1 of the Code of Alabama 1975, relating to the composition, election and term of office of the members of the state board of education, so as to provide further for the composition and election of the members of such board.

Committee on Education.

By Mr. Pearson:

S. 26. To amend the provisions of Section 8-8-10, Code of Alabama, 1975, so as to allow the holder of a judgment for the payment of money to

receive interest on such judgment beginning ninety (90) days after the date of judicial demand; to set the rate of interest on any money judgments at the Federal Reserve Discount Rate.

Committee on Finance and Taxation.

By Messrs. Teague (B) and Harrison:

S. 27. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

Committee on Governmental Affairs.

By Mr. Higginbotham:

S. 28. To provide further for hunting and for nonresident hunting licenses in this state; to amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, as amended, and to repeal Act No. 82-407, H. 80, 1982 Regular Session, and Act No. 82-777, H. 103, Second Special Session 1982, and any other statutes which conflict with the provisions of this Act.

Committee on Agriculture, Conservation,
and Forestry.

By Messrs. Mitchem and Kirkland:

S. 29. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing; and to provide that appeals and post trial motions shall waive the enforcement of this section.

Committee on Governmental Affairs.

By Mr. White:

S. 30. To amend Section 14 of Act No. 82-612, S. 47, Regular Session 1982, relating to the creation of the Department of Environmental Management, so as to remove Section 22-27-5(c), relating to permits and bonds, from the repealer in subsection 7 of subparagraph (a).

Committee on Health and Welfare.

By Messrs. White, Vacca, and Robertson:

S. 31. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.

Committee on Judiciary.

By Mr. St. John (By Request):

S. 32. To amend Sections 15-5-5 and 15-5-6 of the Code of Alabama 1975, which relate to search warrants, so as to grant policemen and other law enforcement officers of municipalities the power to execute search warrants within the boundaries of an incorporated municipality in this state.

Committee on Judiciary.

By Mr. Gullledge (with notice and proof):

S. 33. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests

within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 33, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Higginbotham:

S. 34. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Proctor:

S. 35. To amend Act No. 82-524 (Regular Session, 1982) to increase funds available and to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received and to provide administrative costs for the State Department of Education.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 36. To make a supplemental appropriation of \$1,485,070 from the Alabama Special Educational Trust Fund for the fiscal year 1982-1983; to provide that only those public institutions conferring at least twenty (20) doctoral degrees shall be eligible to receive the supplemental appropriation, and to make an appropriation to eligible institutions.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 37. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the appointment of a director and employees; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits

and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 38. To make a supplemental appropriation of \$546,980 from the Alabama Special Educational Trust Fund for the fiscal year 1982-1983 for certain public four-year institutions.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 39. To amend § 9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Committee on Judiciary.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan, and Vacca:

S. 40. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan, and Vacca:

S. 41. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Committee on Judiciary.

By Mr. Weeks:

S. 42. Relating to Pike County; creating the Star Clan of Lower Muscogee Creek Tribe East Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

Committee on Finance and Taxation.

By Mr. Kirkland (with notice and proof):

S. 43. Relating to Escambia County; establishing the Escambia County Juvenile Fund; providing for the administration of such fund;

prescribing the purposes of such fund for aiding juvenile delinquents, dependents and others in a related need of supervision and programs therefor; providing the funding shall be from the net additional court costs collected pursuant to Section 3 of Act No. 82-305, S. 484 of the 1982 Regular Session, after the constable fees are paid; providing for the payment of such funds by the Clerk of the Circuit Court; and prescribing that such funds shall be audited by the Examiners of Public Accounts; and to provide a retroactive effective date.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 43, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 44. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732; H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 44, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Weeks (with notice and proof):

S. 45. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 45, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gullledge (with notice and proof):

S. 46. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 46, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan, and Vacca:

S. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an

agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

Committee on Judiciary.

By Messrs. Harrison, Kirkland, Robertson, Cook, Callahan and Vacca:

S. 48. To amend Section 12-22-170 of the Code of Alabama, 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding ten years and one day.

Committee on Judiciary.

By Mr. Teague (J) (By Request):

S. 49. To amend Section 36-22-19, Code of Alabama 1975, relating to the payment of certain membership dues for sheriffs, so as to provide further for the authorization of such payments by the county commission or like governing body.

Committee on Finance and Taxation.

By Messrs. Harrison, Kirkland, Teague (B), Cook, Callahan and Vacca:

S. 50. To amend Section 15-16-41 of the Code of Alabama 1975, which relates to hearings for defendants found not guilty by reason of insanity, so as to provide for the determination of the holding of such hearings for all defendants in criminal cases found to have committed the act while insane.

Committee on Judiciary.

By Messrs. Kirkland and Holmes:

S. 51. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Committee on Judiciary.

By Messrs. Cook, Kirkland, Harrison and Callahan:

S. 52. To prescribe the authority and powers of Attorney General's Investigators.

Committee on Judiciary.

By Messrs. Cook, Kirkland, Teague (B), Harrison and Callahan:

S. 53. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Committee on Judiciary.

By Mr. Denton:

S. 54. To provide for the conviction as criminal of those who engage in or assist others in engaging in the act of prostitution and to provide the punishment for said crime.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 55. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants may be charged in the same indictment, information or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this Act; to provide an effective date; and to specify the cases to which this Act applies.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 56. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, § 13A-3-1, § 15-16-1, § 15-16-24 and all other laws in conflict with this Act.

Committee on Judiciary.

By Messrs. Cook, Kirkland, Teague (B), Harrison, Callahan and Holmes:

S. 57. To amend Code of Alabama 1975, § 15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for

consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; to amend Code of Alabama 1975, § 15-22-27 to provide that any death sentence commuted by the governor shall be commuted to life imprisonment without parole; to provide for severability; to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 58. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

Committee on Judiciary.

By Messrs. Kirkland, Harrison, Cook, Callahan and Holmes:

S. 59. To repeal Section 13A-10-106 Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 60. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgement of the trial court in certain instances and provides a time within which an appeal must be taken.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 61. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 62. Relating to the prevention of the subversion of the economy by increasing organization among certain criminal elements; making it unlawful to use proceeds from a pattern of racketeering activity or from the collection of an unlawful debt to acquire or to maintain an interest in, or to

establish or conduct an enterprise, including real property; making it unlawful to acquire or to maintain an interest in, or to conduct an enterprise or to acquire real property, through a pattern of racketeering activity or through the collection of an unlawful debt; making it unlawful for any person employed by, or associated with, any enterprise to conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity or the collection of an unlawful debt; making it unlawful to conspire to engage in any such conduct; providing certain criminal penalties; to provide for joinder and severance of defendants in criminal trials relating to this Act; to provide for judgments of conviction based upon the uncorroborated testimony of an accomplice in criminal trials relating to this Act; mandatory forfeiture of certain interest or property of persons convicted of violating provisions of this Act; to provide for dispositions of said forfeited property; and providing certain civil remedies, including, but not limited to, divestiture, reasonable restrictions on future activities, dissolution or reorganization of any enterprise, revocation or suspension of licenses or permits, and forfeiture of corporation charter or revocation of certificate authorizing a foreign corporation to conduct business within the state.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 63. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 64. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 65. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Committee on Judiciary.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 66. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Committee on Judiciary.

By Messrs. Cook, Teague (B), Kirkland, Harrison and Callahan:

S. 67. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on Judiciary.

By Messrs. Harrison, Teague (B), Kirkland, Cook, Callahan and Vacca:

S. 68. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

Committee on Judiciary.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan and Vacca:

S. 69. To amend Section 15-19-1 Code of Alabama, 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Messrs. Harrison, Teague (B), Miller and Robertson:

S. 70. To propose an amendment to the Constitution of Alabama of 1901 which provides that for ad valorem tax purposes Class II taxable property shall hereafter be assessed at 13 per centum and Class III taxable property shall hereafter be assessed at 6.5 per centum and provides further for the millage rates of local taxing authorities.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Proctor:

S. 71. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Committee on Health and Welfare.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan, Holmes and Goodwin:

S. 72. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree;

unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Mr. St. John:

S. 73. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 74. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Committee on Judiciary.

By Mr. deGraffenried:

S. 75. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

Committee on Judiciary.

By Mr. deGraffenried:

S. 76. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Committee on Commerce, Transportation,
and Utilities.

By Mr. St. John:

S. 77. To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until homestead is assigned.

Committee on Judiciary.

By Mr. Weeks:

S. 78. To amend Section 25-5-50, Code of Alabama 1975, so as to provide that corporate officers may elect to be exempt from coverage under Workmen's Compensation.

Committee on Business and Labor Relations.

By Mr. Martin:

S. 79. To amend Section 36-19-2 of the Code of Alabama 1975, relating to the powers and duties of the state fire marshal, so as to exempt duly licensed child day-care centers from regulation by the state fire marshal and to provide that such centers shall be subject to regulation by local ordinances if locally licensed.

Committee on Governmental Affairs.

By Mr. Miller:

S. 80. To amend section 36-27-16, Code of Alabama 1975, relating to the State Employees' Retirement System, so as to change from five years to one year the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 81. To amend Section 6-5-332 of the Code of Alabama, 1975, which limits the liability of certain "Good Samaritans" rendering aid at the scene of an accident so as to provide further for those included under such section.

Committee on Judiciary.

By Mr. White:

S. 82. To provide that the Commissioner of the Alabama Department of Corrections shall create and implement an administrative procedure in which inmates can redress grievances against officials, officers and agents of the Alabama Department of Corrections and other related state officials stemming from their incarcerated status.

Committee on Judiciary.

By Mr. Kirkland:

S. 83. To amend Section 15-10-3, Code of Alabama 1975, relating to arrests without a warrant, so as to further provide for such arrests for misdemeanors under certain circumstances.

Committee on Judiciary.

By Mr. Robertson:

S. 84. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violations.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Harrison:

S. 85. To amend Section 2-14-14, Code of Alabama 1975, providing for the designation of the state apiarist and declaring the powers of the office so as to provide further for said office.

Committee on Agriculture, Conservation,
and Forestry.

By Mr. Martin:

S. 86. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

Committee on Health and Welfare.

By Mr. Cook:

S. 87. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Committee on Governmental Affairs.

By Mr. White:

S. 88. To amend Section 1 of Alabama Act No. 82-542, which prohibits certain insurance companies from denying coverage because a person has sickle-cell anemia, to prohibit instead the denial of such coverage because a person has been diagnosed as having sickle-cell anemia traits.

Committee on Health and Welfare.

RESOLUTIONS

Mr. Higginbotham offered the following Senate Resolution, to-wit:

S. R. 6. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 1.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 1, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 16-5-8, paragraphs (c) and (d) of Senate Bill 1, concerning the Alabama Higher Education Commission's authority to approve new

programs or units or to terminate existing programs and units of instruction, research and public service funded by state funds conflict with Article XIV, Section 264 and Amendment No. 161, Section 1 of the Constitution of Alabama 1901, as amended; that is, would the Alabama Higher Education Commission's authority to approve and/or terminate such programs and units apply equally to all public postsecondary institutions in Alabama regardless of whether they were subject to constitutionally prescribed management and control or statutorily prescribed management and control by their respective boards.

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 1, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Senate notes the untimely death of Mr. Lewey Stephens, Jr., of Elba, Alabama, on July 4, 1982, at the early age of just 57 years; and

WHEREAS, a native of New Brockton, Alabama, Mr. Stephens had practiced law in Elba since graduation from the University of Alabama and the University's School of Law; and

WHEREAS, he served as District Attorney of Coffee and Pike Counties from 1952 to 1957 and again from 1964 until 1969; he further served, on special assignment by the Attorney General of Alabama, as District Attorney for Escambia and for Covington Counties, as well; and

WHEREAS, he had been a member of both the Judicial Article and the Criminal Code of Revision Committees, the Alabama Rules of Criminal Procedure Committee, Advisor to the Judicial College, an interim Director of the Office of Prosecution Services, and was a Fellow of the Alabama Law Institute; and

WHEREAS, Mr. Stephens also served from 1977 to 1979 as Reporter and Chairman of the Form Indictment Committee to draft a uniform set of warrants and indictments for use with Alabama's new Criminal Code; he lectured as well to lawyers, judges, district attorneys and law enforcement officials on the new Criminal Code and, in 1978, served as consultant to the Law Institute and the University of Alabama School of Social Work on the study of jury utilization; and

WHEREAS, he was a member of the Alabama National Guard for some 31 years, retiring in 1980 with the rank of Colonel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Lewey Stephens, Jr., of Elba, Alabama, and extend our most heartfelt

sympathy to his wife, Mrs. Gayle Stephens, to his Mother, Mrs. Mary Stephens, to his two daughters and three sons, and to other family members to whom a copy of this resolution shall be sent.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Resolution, to-wit:

S. R. 8. MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

Which was adopted.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. HONORING MRS. JULIA H. BERRY OF DADEVILLE, ALABAMA, UPON HER RECENT SELECTION AS PRESIDENT OF THE DEPARTMENT OF ALABAMA AMERICAN LEGION AUXILIARY.

WHEREAS, the Legislature of Alabama takes great pleasure in noting the recent selection of Mrs. Julia H. Berry of Dadeville, Alabama, as President of the Department of Alabama American Legion Auxiliary; and

WHEREAS, Mrs. Berry has held a variety of positions and offices within the Department including serving as Historian, Second Vice-President and Chairman of Children and Youth; in 1981, she served as First Vice-President and as the Chairman of Veterans Affairs and Rehabilitation; and

WHEREAS, as a member of the Dadeville Unit 143, she is currently the Treasurer, having served with distinction as President and all other offices in the Unit; she has been the President of District 24 for two years and has been chosen delegate to five national conventions; and

WHEREAS, under her leadership, the Auxiliary will stress, among other topics, programs involving Americanism, Children and Youth, Community Service, the Constitution, County Government, Education, Energy Conservation, Foreign Relations, and Legislation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend Mrs. Julia H. Berry of Dadeville upon her recent selection as President of the Department of Alabama American Legion Auxiliary.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Berry as evidence of our esteem and warm personal regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, The Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed \$5,000, which shall be paid from any funds appropriated for the use of the Legislature.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That when the two houses adjourn on Monday, August 9, 1982, they adjourn to meet again on Tuesday, August 10; when they adjourn on Tuesday, August 10, they adjourn to meet again on Wednesday, August 11; when they adjourn on Wednesday, August 11, they adjourn to meet again on Thursday, August 12; when they adjourn on Thursday, August 12, they adjourn to meet again on Friday, August 13.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama Commission on Higher Education.

Respectfully submitted,
BOB A. DAVIS,
State Administrations Officer.

Done this 9th day of August, 1982.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation the following:

Mr. Phillip Sellers, Sr. (replaced Mrs. Annie Laurie Parker)
3581 Thomas Avenue
Montgomery, Alabama 36111
Term expires: 8/31/91

Mr. Bob Word (reappointment)
P. O. Box 827
Scottsboro, Alabama 35768
Term expires: 8/31/91

as members of the Alabama Commission on Higher Education.

Respectfully,
FOB JAMES,
Governor.

THIRD EXTRAORDINARY SESSION
1st Day

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Done this 9th day of August, 1982.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:30 P. M., on motion of Mr. St. John, the Senate adjourned until Tuesday, August 10, 1982, at 3 o'clock P.M.

SECOND LEGISLATIVE DAY

TUESDAY, AUGUST 10, 1982

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Reverend Laurens Hudson, Pastor, Highland Evangelical Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague (B)
deGraffenried	Hilliard	Mitchem	Teague (J)
Denton	Holmes	Parsons	Vacca
Figures	Keener	Proctor	Weeks
Goodwin	Kirkland	Robertson	White

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JOURNAL

On motion of Mr. White, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. White, leave of absence was granted Messrs. Callahan, Glass, Lemaster, and Pearson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Carothers, Willis and Lewis.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hilliard (with notice and proof):

S. 89. To amend Section 11-52-3, Code of Alabama 1975, to provide for a supernumerary member to be named by the mayor or by a council member of any municipality in which such officer serves as a member of a municipal planning commission to act in his stead when such officer is not present.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 89, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hillard (with notice and proof):

S. 90. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 90, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard (with notice and proof):

S. 91. To amend Article VII of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, said Article relating to loans to participants, repayment of loans, and life insurance, said Article to be amended in full, said Article to be amended to provide that participant loans shall be repaid in a period of forty-eight months or less from the date of such loan, and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board but not less than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Hilliard:

S. 92. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama; authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act applicable to Class 1, 2 or 3 municipalities in the state and including projects providing hotel and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440.

Committee on Governmental Affairs.

By Mr. Denton:

S. 93. To transfer a sum erroneously appropriated to the Administrative Office of the Courts of the Unified Judicial System, pursuant to Section 2

of Act No. 82-569, H. 151, Regular Session 1982, to the Department of Youth Services for the fiscal year ending September 30, 1982, for a pilot program for the rehabilitation of juvenile first offenders in Northwest Alabama; to authorize the Department of Youth Services to contract for such services.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 94. Relating to the department of forensic sciences; amending Section 36-18-1, Code of Alabama 1975, relating to the appointment and removal of the director of the department of forensic sciences, so as to provide further therefor; and adding two new sections so as to establish a state forensic sciences commission, the powers and duties, and the composition of such commission.

Committee on Health and Welfare.

By Messrs. McDonald and Mitchem:

S. 95. To appropriate \$150,000 from the State General Fund for fiscal year starting October 1, 1982; said appropriation to be used only by the Department of Agriculture and Industries in the development of foreign trade for Alabama agricultural commodities.

Committee on Rules.

By Mr. Kirkland:

S. 96. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "Contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures.

Committee on Judiciary.

By Mr. Denton:

S. 97. To provide a method of notifying property owners of the value of their property by a statewide or county reappraisal of properties by the county tax assessor, or tax collector or board of equalization, or office of like responsibility.

Committee on Governmental Affairs.

By Mr. Keener:

S. 98. To validate warrants or notes issued under Article 4, Article 5 of Article 10 of Chapter 13 of Title 16 of the CODE OF ALABAMA 1975 and the pledge of any tax or taxes to the payment thereof; provided that the issuance of such warrants or notes and the pledge of any tax or taxes thereto shall have been approved by the state superintendent of education.

Committee on Education.

By Mr. Keener:

S. 99. To amend Section 16-13-190 of the CODE OF ALABAMA 1975 so as to validate elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or

educational purpose, or for school or educational purposes generally under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

Committee on Education.

RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. URGING THE COURTS TO HOLD RESTITUTION HEARINGS.

WHEREAS, the Alabama Legislature in 1980 recognized the importance of a hearing to determine the amount or type of restitution due a victim as a result of a defendant's criminal acts; and

WHEREAS, the Legislature passed Act No. 80-588, 1980 Regular Session (now appearing as Article 4A, Chapter 18, Title 15, Code of Alabama 1975), requiring that restitution hearings be held as a matter of course; and

WHEREAS, said statute mandates that such restitution hearings be held; and

WHEREAS, the Legislature notes that in some instances courts have not complied with the statute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge the courts of this state to hold restitution hearings in compliance with Section 15-18-67, Code of Alabama 1975.

BE IT FURTHER RESOLVED, That the Administrative Office of Courts, each district and circuit judge and each district attorney receive a copy of this resolution.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 5. COMMENDING MR. B. B. WILLIAMSON OF LIVINGSTON, ALABAMA, ON HIS MANY YEARS OF SERVICE TO THE COMMUNITY AND THE STATE.

WHEREAS, the Legislature of Alabama takes great pride in noting that Mr. B. B. Williamson of Livingston, Alabama, retired from the Alabama Cooperative Extension Service on August 31, 1981; and

WHEREAS, Mr. Williamson was born in Frisco City, Alabama, and he graduated from Moore Academy in Pineapple, Alabama; he continued his education at Auburn University where he graduated in 1942; and

WHEREAS, B. B. Williamson has served with honor and distinction in various capacities with the Alabama Cooperative Extension Service for over 40 years and is recognized through the State of Alabama as an outstanding county agent; and

WHEREAS, he has been a leader in Livingston and in Sumter County, having held numerous offices in civic organizations, serving in the Livingston First Baptist Church where he is a choir member and a deacon, and is a devoted husband to his lovely wife Mabel; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend B. B. Williamson on his many years of outstanding public service and further extend our appreciation to him for all his efforts on behalf of its citizens, and wish him well in his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Williamson that he may know of our sincere praise, appreciation and warm personal regards.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Messrs. Harrison and Taylor offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY FORT TOULOUSE-FORT JACKSON.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study Fort Toulouse-Fort Jackson. Said committee shall consider all relevant aspects of said fort, including the excavation plan, control, funding, promotion and operation.

Said committee shall be composed of the two senators who represent Elmore County, the two representatives who represent Elmore County and one additional representative and one additional senator to be appointed by their respective presiding officers.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Said committee shall report its findings, conclusions and recommendations to the Legislature not later than the 5th day of the next Regular Session, at which time the committee shall be abolished.

Members of the committee shall receive no additional pay for duties performed as a committee member.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Minus and Manley:

H. J. R. 11. CHANGING THE ELECTION DATE FOR THE CONSTITUTIONAL AMENDMENT PROPOSED BY ACT 82-689.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date for the constitutional amendment proposed by Act 82-689, H. 7, 1982 2nd Special Session is hereby changed to the first general election next succeeding two years from the effective date of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague (J), the Rules were suspended and the Resolution, H. J. R. 11, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. COMMENDING MR. WILEY L. BOLDEN FOR OUTSTANDING SERVICE TO THE STATE.

WHEREAS, Mr. Wiley L. Bolden is a distinguished Alabamian, who was born about 90 years ago in Hale County, Alabama and has lived in Mobile, Alabama for over 60 years; and

WHEREAS, Mr. Bolden has been active in civil rights for most of his life and helped organize the NAACP (Mobile) in 1925 where he served as president until 1933; and

WHEREAS, Mr. Bolden has been instrumental in several successful civil rights cases including the successful challenge of the Boswell Amendment which sought to prevent Black Alabamians from becoming registered voters; and

WHEREAS, In 1975 Mr. Bolden joined with former State Representative John L. Leflore and other Black Mobilians to institute the now nationally significant voting rights case against the City of Mobile which bears his name and which case will result in representation by Blacks on the city government of Mobile for the first time in history; and

WHEREAS, Mr. Bolden is an active member of the Toulminville-Warren Street United Methodist Church, is a Mason and serves as Executive Secretary of the Non-Partisan Voters League; and

WHEREAS, Mr. Bolden is a husband, father, grandfather and great grandfather and is a man who by his life has demonstrated his commitment to and belief in working for the betterment of the world in which we live; and

WHEREAS, an appreciation dinner is set in his honor for August 20, 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the State of Alabama pay tribute to this outstanding citizen of the State on his day.

BE IT FURTHER RESOLVED, that a copy of this resolution be personally presented to Mr. Bolden on August 20th at the affair so stated in his honor.

On motion of Mr. Figures, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Kennedy:

H. J. R. 16. COMMENDING THE REVEREND G. M. FRAZIER, PRESIDING ELDER OF THE CHRISTIAN METHODIST EPISCOPAL CHURCH.

Also:

By Rep. Turnham:

H. J. R. 17. COMMENDING ALABAMA COMMISSION ON HIGHER EDUCATION FOR ESTABLISHING A CITIZEN'S ADVISORY PANEL.

Also:

By Reps. Hammett, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 18. MOURNING THE DEATH OF MR. WALTER FRANK JACKSON OF OPP, FORMER MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Figures, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 6. PROVIDING FOR A JOINT MEETING OF THE HOUSE AND SENATE AS A COMMITTEE OF THE WHOLE TO DETERMINE THE EXTENT OF THE REPORTED FISCAL CRISIS IN THE STATE GENERAL FUND AND TO DETERMINE THE GENERAL FISCAL CONDITION OF THE STATE OF ALABAMA.

WHEREAS, a financial crisis of unknown proportion is reported to exist in the State's General Fund; and

WHEREAS, the crisis is reported to be of such magnitude as to prompt the finance director, while still only in the third quarter, to suspend all purchases and travel by state agencies on May 26, 1982; and

WHEREAS, the State Director of Finance, in his letter to all state agencies, suspended all authority for purchasing and advised that only "emergency requisitions which are absolutely essential" would be approved and "curtailed all out-of-state travel and reduced in-state travel as much as possible"; the Director of Finance stated that such move would certainly impact upon the various agencies but was necessary to protect the General Fund; and

WHEREAS, the fiscal condition of the state has further deteriorated in the two and one-half months following the May 26 action of the Director of Finance; and

WHEREAS, the Director of Finance has now ordered an emergency sale of additional oil leases and a furlough of certain employees; and

WHEREAS, the State has most recently borrowed approximately one-half billion dollars; and

WHEREAS, a re-assessing of the priorities insofar as the expenditure of what remains of the approximately one-half billion dollars may be in order; and

WHEREAS, a more detailed accounting of state finances certainly is needed by the Legislature before this session be adjourned; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That following adjournment of the

Legislature on the 2nd legislative day, the House and Senate meet in joint session as a committee of the whole to consider the financial crisis in the State of Alabama. The Lieutenant Governor and the Speaker of the House of Representatives or their nominees shall serve as joint chairmen.

RESOLVED FURTHER, That the Clerk of the House and the Secretary of the Senate schedule the appearances of the State Treasurer, the State Comptroller, the State Budget Officer, and the State Finance Director before the committee to give testimony relative to the financial condition of the State of Alabama.

RESOLVED FURTHER, That the committee shall meet from day to day until its work is completed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Little offered the following amendment to the Resolution, H. J. R. 6, set out in the foregoing Message from the House, to-wit:

AMENDMENT TO H. J. R. 6

I move to amend H. J. R. 6 on page 2, line 13, by deleting the following:
"2nd"

And insert in lieu thereof the following:
"4th"

Which was adopted.

And on motion of Mr. Little, said Resolution, H. J. R. 6, as thus amended, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 14. COMMENDING MRS. ALYCE BILLINGS WALKER, PROMINENT BIRMINGHAM CIVIC AND CULTURAL LEADER.

John W. Pemberton,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Holley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 7. MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

Also:

By Rep. Smith (C):

H. J. R. 10. COMMENDING AND EXTENDING BEST WISHES TO JOEY MARTIN, CLANTON, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 10, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Teague (J), Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 76. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Denton, Holmes, Teague (B), Higginbotham, Harrison, White, Taylor and Robertson:

S. 10. To include a definition of a Religious Child Care Facility, § 38-7-2, (13), and provide and exemption, § 38-7-18, for religious child care facilities from state control.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (With Amendment):

S. 34. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 30. To amend Section 14 of Act No. 82-612, S. 47, Regular Session 1982, relating to the creation of the Department of Environmental Management, so as to remove Section 22-27-5(c), relating to permits and bonds, from the repealer in subsection 7 of subparagraph (a).

By Mr. Proctor:

S. 71. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin (With Substitute) (With Amendment):

S. 86. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 88. To amend Section 1 of Alabama Act No. 82-542, which prohibits certain insurance companies from denying coverage because a person has sickle-cell anemia, to prohibit instead the denial of such coverage because a person has been diagnosed as having sickle-cell anemia traits.

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 3. To designate a portion of the appropriation made to the Department of Public Health for the fiscal year ending September 30, 1983 pursuant to Act No. 82-569, H. 151 of the 1982 Regular Session, to the Department of Environmental Management.

By Mr. Denton:

S. 5. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of swine and swine products; to amend Section 2-8-51 of the Code of Alabama 1975, so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

By Mr. St. John:

S. 11. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

By Mr. Callahan:

S. 14. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

By Mr. Pearson:

S. 26. To amend the provisions of Section 8-8-10, Code of Alabama, 1975, so as to allow the holder of a judgment for the payment of money to receive interest on such judgment beginning ninety (90) days after the date of judicial demand; to set the rate of interest on any money judgments at the Federal Reserve Discount Rate.

By Mr. Proctor:

S. 35. To amend Act No. 82-524 (Regular Session, 1982) to increase funds available and to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received and to provide administrative costs for the State Department of Education.

By Mr. Pearson:

S. 36. To make a supplemental appropriation of \$1,485,070 from the Alabama Special Educational Trust Fund for the fiscal year 1982-1983; to provide that only those public institutions conferring at least twenty (20) doctoral degrees shall be eligible to receive the supplemental appropriation, and to make an appropriation to eligible institutions.

By Mr. Pearson:

S. 37. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the appointment of a director and employees; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

By Mr. Pearson:

S. 38. To make a supplemental appropriation of \$546,980 from the Alabama Special Educational Trust Fund for the fiscal year 1982-1983 for certain public four-year institutions.

By Mr. Denton:

S. 6. To amend Section 40-9-13, Code of Alabama 1975, which exempts certain named organizations from taxation, so as to add the Shoals Presbyterian Apartments, Inc., to the list of exempt organizations.

By Messrs. Harrison, Teague (B), Miller and Robertson:

S. 70. To propose an amendment to the Constitution of Alabama of 1901 which provides that for ad valorem tax purposes Class II taxable property shall hereafter be assessed at 13 per centum and Class III taxable property shall hereafter be assessed at 6.5 per centum and provides further for the millage rates of local taxing authorities.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Miller:

S. 80. To amend section 36-27-16, Code of Alabama 1975, relating to the State Employees' Retirement System, so as to change from five years to one year the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 78. To amend Section 25-5-50, Code of Alabama 1975, so as to provide that corporate officers may elect to be exempt from coverage under Workmen's Compensation.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smith, Holmes, Parsons, Little, White and Vacca:

S. 7. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

By Mr. Mitchem:

S. 9. To amend Sections 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

By Mr. Teague (B):

S. 15. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, § 13A-3-1, § 15-16-1, § 15-16-24 and all other laws in conflict with this Act.

By Messrs. Mitchem and Kirkland:

S. 16. To amend the definitions contained in Section 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

By Mr. Mitchem:

S. 17. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

By Mr. White:

S. 23. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

By Messrs. White, Vacca and Robertson:

S. 31. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.

By Mr. St. John (By Request):

S. 32. To amend Sections 15-5-5 and 15-5-6 of the Code of Alabama 1975, which relate to search warrants, so as to grant policemen and other law enforcement officers of municipalities the power to execute search warrants within the boundaries of an incorporated municipality in this state.

By Mr. deGraffenried:

S. 39. To amend § 9-11-257 as last amended, relating to hunting within 100 years of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan and Vacca:

S. 40. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan and Vacca:

S. 41. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

By Messrs. Harrison, Kirkland, Teague (B), Robertson, Cook, Callahan and Vacca:

S. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

By Messrs. Harrison, Kirkland, Robertson, Cook, Callahan and Vacca:

S. 48. To amend Section 12-22-170 of the Code of Alabama, 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding ten years and one day.

By Messrs. Harrison, Kirkland, Teague (B), Cook, Callahan and Vacca:

S. 50. To amend Section 15-16-41 of the Code of Alabama 1975, which relates to hearings for defendants found not guilty by reason of insanity, so as to provide for the determination of the holding of such hearings for all defendants in criminal cases found to have committed the act while insane.

By Messrs. Kirkland and Holmes:

S. 51. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

By Messrs. Cook, Kirkland, Harrison and Callahan:

S. 52. To prescribe the authority and powers of Attorney General's Investigators.

By Messrs. Cook, Kirkland, Teague (B), Harrison and Callahan:

S. 53. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

By Mr. Denton:

S. 54. To provide for the conviction as criminal of those who engage in or assist others in engaging in the act of prostitution and to provide the punishment for said crime.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 55. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants may be charged in the same indictment, information or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment,

information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this Act; to provide an effective date; and to specify the cases to which this Act applies.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 56. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, § 13A-3-1, § 15-16-1, § 15-16-24 and all other laws in conflict with this Act.

By Messrs. Cook, Kirkland, Teague (B), Harrison, Callahan and Holmes:

S. 57. To amend Code of Alabama 1975, § 15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; to amend Code of Alabama 1975, § 15-22-27 to provide that any death sentence commuted by the governor shall be commuted to life imprisonment without parole; to provide for severability;

to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 58. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

By Messrs. Kirkland, Harrison, Cook, Callahan and Holmes:

S. 59. To repeal Section 13A-10-106 Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 60. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 61. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 63. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole

By Messrs. Kirkland, Teague (B), Harrison, Cook and Callahan:

S. 64. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan and Holmes:

S. 66. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

By Messrs. Cook, Teague (B), Kirkland, Harrison and Callahan:

S. 67. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

By Messrs. Harrison, Teague (B), Kirkland, Cook, Callahan and Vacca:

S. 68. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

By Messrs. Kirkland, Teague (B), Harrison, Cook, Callahan, Holmes and Goodwin:

S. 72. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

By Mr. deGraffenried:

S. 74. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

By Mr. deGraffenried:

S. 75. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

By Mr. St. John:

S. 77. To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until homestead is assigned.

By Mr. Kirkland:

S. 83. To amend Section 15-10-3, Code of Alabama 1975, relating to arrests without a warrant, so as to further provide for such arrests for misdemeanors under certain circumstances.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin (with notice and proof):

S. 13. To define, regulate and license barbers and barber colleges and other like businesses in Morgan County; to create a barbers' commission for said county; to prescribe the powers and duties of said commission and to provide a penalty for violation of the provisions hereof.

By Mr. Gullledge (with notice and proof):

S. 33. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests

within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Mr. Kirkland (with notice and proof):

S. 43. Relating to Escambia County; establishing the Escambia County Juvenile Fund; providing for the administration of such fund; prescribing the purposes of such fund for aiding juvenile delinquents, dependents and others in a related need of supervision and programs therefor; providing the funding shall be from the net additional court costs collected pursuant to Section 3 of Act No. 82-305, S. 484 of the 1982 Regular Session; after the constable fees are paid; providing for the payment of such funds by the Clerk of the Circuit Court; and prescribing that such funds shall be audited by the Examiners of Public Accounts; and to provide a retroactive effective date.

By Mr. Weeks (with notice and proof):

S. 44. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

By Mr. Weeks (with notice and proof):

S. 45. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge.

By Mr. Gullledge (with notice and proof):

S. 46. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 8. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

By Mr. Mitchem:

S. 19. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the

recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

By Mr. Higginbotham:

S. 28. To provide further for hunting and for nonresident hunting licenses in this state; to amend Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, as amended, and to repeal Act No. 82-407, H. 80, 1982 Regular Session, and Act No. 82-777, H. 103, Second Special Session 1982, and any other statutes which conflict with the provisions of this Act.

By Mr. Robertson:

S. 84. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violations.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 20. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

By Mr. Martin:

S. 21. To provide assistance to county boards of registrars by establishing a statewide voter registration file maintenance system to compile the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at least once at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law; to secure lists of persons who are deceased or convicted of felonies; to provide that any elector who fails to vote at least once in a six year period shall be removed from the active voters list; to repeal voter reidentification laws except those currently in progress.

By Mr. White:

S. 22. To create a registry of official folk songs and designate the song "Alabama the Beautiful" as one of the folk songs of Alabama.

By Messrs. Mitchem and Kirkland:

S. 29. To amend Section 36-9-2 of the Code of Alabama 1975, so as to provide for the vacation of public offices upon the conviction of certain crimes instead of at the time of sentencing; and to provide that appeals and post trial motions shall waive the enforcement of this section.

By Mr. St. John:

S. 73. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin (With Amendment):

S. 79. To amend Section 36-19-2 of the Code of Alabama 1975, relating to the powers and duties of the state fire marshal, so as to exempt duly licensed child day-care centers from regulation by the state fire marshal and to provide that such centers shall be subject to regulation by local ordinances if locally licensed.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 87. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

RESOLUTIONS

Mr. Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. COMMENDING MR. TONY KOURMOULIS OF PINSON, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENTS.

WHEREAS, young wrestler Tony Kourmoulis of Pinson, Alabama, is a 1982 graduate of Pinson Valley High School who has early achieved widespread recognition as a potential Olympic Champion; and

WHEREAS, Mr. Kourmoulis, as a member of the P.V.H.S. three-time state championship team, compiled an enviable 96-6-0 record in competition during his high school career; and

WHEREAS, on two occasions he was the Individual State Champion, was named Pinson Valley High School "Most Valuable Athlete" in 1982, and was Jefferson County "Most Valuable Wrestler" in 1980-81 and 1981-82 as well; and

WHEREAS, further, in pre-Olympic competition, this outstanding young Alabama wrestler won a Bronze Medal at the 1981 National Sports Festival and captured the Gold Medal in 1982; in competition in Los Angeles as a World Team Member, he was once again awarded the Bronze Medal; and

WHEREAS, not only is Tony Kourmoulis an extraordinary athlete, but a sincere young Christian who has allowed Christ to direct and control his activities, both in athletics and in his day-to-day living and inter-relations with others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise

and commend Mr. Tony Kourmoulis of Pinson, Alabama, for outstanding accomplishments as an athlete, and further express our admiration and regard for him as a dedicated disciple of Christ.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Tony Kourmoulis that he may know of our warm best wishes for every future success in life.

On motion of Mr. Hall, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. COMMENDING THE HOOVER ATHLETIC ASSOCIATION SENIOR DIVISION BASEBALL TEAM.

WHEREAS, the seventeen and eighteen year old players of the Senior Division of the Dizzy Dean Baseball League have recently completed an outstanding season; and

WHEREAS, the Senior Division won the District Tournament of Jefferson County against strong competition from Vestavia, Cahaba Heights and Homewood; and

WHEREAS, the Senior Division went on to defeat Huntsville, Selma, Warrior, Hueytown, Midfield and Shelby County in the state tournament; and

WHEREAS, the Senior Division represented the State of Alabama in the Dizzy Dean World Series held in Montevallo against the representatives of seven other states, Tennessee, Louisiana, Mississippi, Florida, South Carolina, Georgia and Maryland; and

WHEREAS, the Senior Division, superbly coached by Michael Pretnar, Phil Noto, and Jerry Morgan, successfully won the series, defeating Maryland, Florida, Mississippi, and Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Senior Division Hoover Athletic Association for their outstanding achievement in becoming the "world champions."

RESOLVED FURTHER, That a copy of this resolution be sent each team member and coach.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. COMMENDING AND CONGRATULATING THE PHENIX CITY HAWKS AS OUR NEW STATE SOFTBALL CHAMPIONS.

Also:

S. J. R. 4. CONGRATULATING PHENIX CITY CHAMPIONS OF THE STATE DIXIE MAJORS BASEBALL TOURNAMENT.

Also:

S. J. R. 5. MOURNING THE DEATH OF REVEREND W. J. POWELL.

Also:

S. J. R. 7. MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

Also:

S. J. R. 9. HONORING MRS. JULIA H. BERRY OF DADEVILLE, ALABAMA, UPON HER RECENT SELECTION AS PRESIDENT OF THE DEPARTMENT OF ALABAMA AMERICAN LEGION AUXILIARY.

Also:

S. J. R. 10. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

S. J. R. 11. SETTING MEETING DAYS OF THE TWO HOUSES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 6. RELATIVE TO PROVIDING FOR A JOINT MEETING OF THE HOUSE AND SENATE AS A COMMITTEE OF THE WHOLE TO DETERMINE THE EXTENT OF THE REPORTED FISCAL CRISIS IN THE STATE GENERAL FUND AND TO DETERMINE THE GENERAL FISCAL CONDITION OF THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 12. URGING THE COURTS TO HOLD RESTITUTION HEARINGS.

Also:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY FORT TOULOUSE-FORT JACKSON.

Also:

S. J. R. 14. COMMENDING MR. WILEY L. BOLDEN FOR OUTSTANDING SERVICE TO THE STATE.

Also:

S. J. R. 15. COMMENDING MR. TONY KOURMOULIS OF PINSON, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENTS.

Also:

S. J. R. 16. COMMENDING THE HOOVER ATHLETIC ASSOCIATION SENIOR DIVISION BASEBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 5:10 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, August 11, 1982, at 9 o'clock A.M.

THIRD LEGISLATIVE DAY

WEDNESDAY, AUGUST 11, 1982

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Honorable Cordy Taylor, Twenty-Eighth Senatorial District.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague (B)
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Figures	Kirkland	Robertson	White
Goodwin	Lemaster		

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JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Glass and Pearson for today.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 5. COMMENDING MR. B. B. WILLIAMSON OF LIVINGSTON, ALABAMA, ON HIS MANY YEARS OF SERVICE TO THE COMMUNITY AND THE STATE.

Also:

H. J. R. 7. MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

Also:

H. J. R. 10. COMMENDING AND EXTENDING BEST WISHES TO JOEY MARTIN, CLANTON, ALABAMA.

Also:

H. J. R. 11. CHANGING THE ELECTION DATE FOR THE CONSTITUTIONAL AMENDMENT PROPOSED BY ACT 82-689.

Also:

H. J. R. 14. COMMENDING MRS. ALYCE BILLINGS WALKER, PROMINENT BIRMINGHAM CIVIC AND CULTURAL LEADER.

Also:

H. J. R. 16. COMMENDING THE REVEREND G. M. FRAZIER, PRESIDING ELDER OF THE CHRISTIAN METHODIST EPISCOPAL CHURCH.

Also:

H. J. R. 17. COMMENDING ALABAMA COMMISSION ON HIGHER EDUCATION FOR ESTABLISHING A CITIZEN'S ADVISORY PANEL.

Also:

H. J. R. 18. MOURNING THE DEATH OF MR. WALTER FRANK JACKSON OF OPP, FORMER MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 6. PROVIDING FOR A JOINT MEETING OF THE HOUSE AND SENATE AS A COMMITTEE OF THE WHOLE TO DETERMINE

THE EXTENT OF THE REPORTED FISCAL CRISIS IN THE STATE
GENERAL FUND AND TO DETERMINE THE GENERAL FISCAL CON-
DITION OF THE STATE OF ALABAMA.JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Harper (T):

H. J. R. 29. COMMENDING THE GRAND BAY DIXIE YOUTH
BASEBALL STATE CHAMPIONS.

Also:

By Rep. Harper (T):

H. J. R. 30. COMMENDING MR. BOB BOSARGE AS VFW ALL-
AMERICAN POST COMMANDER FOR 1981-82.JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 29 and 30, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 20. COMMENDING THE THOMASVILLE, ALABAMA,
VOLUNTEER FIRE DEPARTMENT.JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 20, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper (T), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 26. MOURNING THE DEATH OF MR. JON ARCHER OF MOBILE COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 26, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 25. ENCOURAGING ALABAMA'S STATE BANKS TO INCLUDE BLACKS ON SAID INSTITUTIONS' BOARDS OF DIRECTORS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby resolutely encourage the placement of Blacks, by Alabama's State banks and other financial entities, upon the boards of directors of said institutions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 25, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

H. J. R. 23. ENCOURAGING THE JOINT LEGISLATIVE PRISON OVERSIGHT COMMITTEE TO PETITION THE GOVERNOR AND ASSISTANT FINANCE DIRECTOR TO CAREFULLY CONSIDER ANOTHER SITE FOR THE NEW PRISON NOW BEING PROPOSED FOR LIMESTONE COUNTY.

WHEREAS, the department of corrections is now proposing to build a new prison on a rather expensive site in Limestone County; and

WHEREAS, the state general fund is threatened with proration and state revenue projections for the next fiscal year are grim at best; and

WHEREAS, the people of Limestone County are deeply concerned over the social impact of having a prison located in their county; and

WHEREAS, more importantly, the cost per acre of the proposed site for this new prison is very expensive, now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby encourage the joint legislative prison oversight committee to petition the Governor and assistant finance director to carefully consider another site for the new prison now being proposed for Limestone County.

RESOLVED FURTHER, That said committee also petition the Governor to have a social impact study of the proposed site conducted as soon as possible and that the Governor's office begin an immediate search for less expensive alternate sites for comparative purposes.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the Governor, assistant finance director and each member of the joint legislative prison oversight committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 23, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 13. To define, regulate and license barbers and barber colleges and other like businesses in Morgan County; to create a barbers' commission for said county; to prescribe the powers and duties of said commission and to provide a penalty for violation of the provisions hereof.

was a third time at length and passed, and ordered sent forthwith to the House without engrossment.

THIRD EXTRAORDINARY SESSION
3rd Day

59

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Taylor
Britnell	Hall	Miller	Teague (J)
Callahan	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—25

Nays:

—0

The Bill:

S. 33. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith
Bailey	Hilliard	McDonald	Taylor
Britnell	Holmes	Miller	Teague (J)
Callahan	Keener	Mitchem	Vacca
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		

—25

Nays:

—0

The Bill:

S. 43. Relating to Escambia County; establishing the Escambia County Juvenile Fund; providing for the administration of such fund; prescribing the purposes of such fund for aiding juvenile delinquents, dependents and others in a related need of supervision and programs therefor; providing the funding shall be from the net additional court costs collected pursuant to Section 3 of Act No. 82-305, S. 484 of the 1982 Regular Session; after the constable fees are paid; providing for the payment of such funds by the Clerk of the Circuit Court; and prescribing that such funds shall be audited by the Examiners of Public Accounts; and to provide a retroactive effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Figures
Bailey	Callahan	Denton	Goodwin

Gulledge	Little	Parsons	Teague (J)	
Hall	Martin	Proctor	Vacca	
Hilliard	McDonald	Smith	Weeks	
Holmes	Miller	Taylor	White	
Kirkland	Mitchem			—25
<i>Nays:</i>				—0

The Bill:

S. 44. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Parsons	
Bailey	Gulledge	Little	Proctor	
Britnell	Hall	Martin	Smith	
Callahan	Hilliard	McDonald	Taylor	
Cook	Holmes	Miller	Teague (J)	
Denton	Keener	Mitchem	Weeks	
Figures	Kirkland			—25
<i>Nays:</i>				—0

The Bill:

S. 45. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Proctor	
Bailey	Hall	Martin	Smith	
Callahan	Higginbotham	McDonald	Taylor	
Cook	Holmes	Miller	Teague (B)	
Denton	Keener	Mitchem	Teague (J)	
Figures	Kirkland	Parsons	Weeks	
Goodwin	Lemaster			—25
<i>Nays:</i>				—0

The Bill:

S. 46. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

THIRD EXTRAORDINARY SESSION
3rd Day

61

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Taylor
Bailey	Hilliard	Miller	Teague (B)
Britnell	Holmes	Mitchem	Teague (J)
Callahan	Keener	Parsons	Vacca
Cook	Kirkland	Proctor	Weeks
Denton	Little	Smith	White
Figures	Martin		—25
<i>Nays:</i>			—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (G):

H. 42. To propose an amendment to the Constitution of 1901, to repeal amendment number 236, relating to the compensation of certain officers of Greene County.

Also:

By Reps. Clark (G) and Manley (with notice and proof):

H. 43. To amend Act no. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to change the terms of the commissioners from three years to six years and to extend the terms of the present commissioners for such additional period, to provide for the compensation of the members of the racing commission, to provide for the investment of monies deposited to the credit of the racing commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commission of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Court-house.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 43, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Patton (with notice and proof):

H. 51. Relating to Morgan County; to provide for the appointment of the Chairman of the Board of Registrars of Morgan County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 57. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 57, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McMillan and Penry (with notice and proof):

H. 82. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 82, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McMillan and Penry (with notice and proof):

H. 84. Relating to Baldwin County; providing that the probate judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the grantee's and grantor's names and latest complete addresses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 84, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Gafford (with notice and proof):

H. 121. To amend Article VII of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, said Article relating to loans to participants, repayment of loans, and life insurance, said Article to be amended in full, said Article to be amended to provide that participant loans shall be repaid in a period of forty-eight months or less from the date of such loan, and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board but not less than seven (7) percent per annum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 121, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Horn (with notice and proof):

H. 134. To amend Section 11-52-3, Code of Alabama 1975, to provide for a supernumerary member to be named by the mayor or by a council member of any municipality in which such officer serves as a member of a municipal planning commission to act in his stead when such officer is not present.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 134, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 42, 43, 51, 57, 82, and 84. To the Committee on Local Legislation No. 1.

H. B.'s 121 and 134. To the Committee on Local Legislation No. 2.

(The above numbered Bill, H. B. 42, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 20. COMMENDING THE THOMASVILLE, ALABAMA, VOLUNTEER FIRE DEPARTMENT.:

Also:

H. J. R. 26. MOURNING THE DEATH OF MR. JON ARCHER OF MOBILE COUNTY, ALABAMA.

Also:

H. J. R. 29. COMMENDING THE GRAND BAY DIXIE YOUTH BASEBALL STATE CHAMPIONS.

Also:

H. J. R. 30. COMMENDING MR. BOB BOSARGE AS VFW ALL-AMERICAN POST COMMANDER FOR 1981-82.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cates:

H. J. R. 27. NAMING A PORTION OF CRENSHAW COUNTY ROAD 41 IN HONOR OF THE LATE MR. REX SIKES.

WHEREAS, the late Mr. Rex Sikes, a native and lifelong resident of Crenshaw County, was a prominent businessman, civic leader and political figure of his community and that area of our State; and

WHEREAS, in gratitude for his many contributions, it is entirely fitting that Mr. Sikes' memory be perpetuated through appropriate commemoration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Crenshaw County Road 41, from Brantley, Alabama, North to the Glenwood Road, and heretofore known as the Old Brantley Highway, shall henceforth and forever be named, "The Rex Sikes Road."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said road as, "The Rex Sikes Road."

RESOLVED FURTHER, That a copy of this resolution be provided for Mrs. Rex Sikes in token of this commemorative designation in honor of her late husband.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McMillan:

H. J. R. 48. AUTHORIZING THE ERECTION OF A DAM ON SMITH'S LAKE IN BALDWIN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama and the Alabama Legislature hereby consent to the placement of a dam on Smith's Lake in Baldwin County on property located in Section 22, Township 3 North, Range 3 East; provided, however, approval must be obtained from the federal government, any and all adjoining property owners and all appropriate state agencies prior to erection of the dam.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 48, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Minus and Manley (with notice and proof):

H. 10. Relating to Sumter County; amending Act No. 81-229, H. 730, 1981 Regular Session (Acts 1981, p. 307), which levys a fee on hazardous and nonhazardous waste stored or dumped in the county, so as to provide further for the disposition of said fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 10, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON, Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 14. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which

rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 14, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 15. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 15, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 22. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 22, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps Ray, Sasser, Grimsley and Whatley (with notice and proof):

H. 25. Relating to Barbour County; providing that each member of the Barbour County Board of Education shall receive compensation in the amount of Two Hundred Dollars (\$200.00) for each month during which he serves, which compensation shall be in lieu of other compensation authorized by law, providing for supplemental effect, and providing for its effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 25, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ray (with notice and proof):

H. 26. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 26, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Clark (G) and Mitchell (with notice and proof):

H. 39. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 39, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (G) (with notice and proof):

H. 40. Relating to Greene County to provide for an expense allowance for the members of the Greene County Board of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 40, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 10, 14, 15, 22, 25, 26, 39, and 40. To the Committee on Local Legislation No. 1.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 17. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 72	21	Relates to the Alabama Uniform Controlled Substances
S. B. 16	11	Def. in criminal code in order to make escape while on work release leave, or furlough a felony
S. B. 17	11	Relates to food stamps
S. B. 60	19	Relates to pre-trial decision
S. B. 61	19	Relates to the required contents of indictments so as to further provide therefor
S. B. 53	16	30 year minimum term
S. B. 64	20	Rel. to district attorney's table
S. B. 23	12	Def further the term "delinquent act"
S. B. 74	23	Prov. for def. rel. to the crimes of burglary and criminal trespass
S. B. 75	22	Shooting a firearm, proh.
S. B. 66	20	To prov. treatment as a youthful offender
S. B. 67	21	Strengthens Alabama's child pornography law
S. B. 68	21	To change the pen. for commercial bribery from a Class A misdemeanor to a Class C felony
S. B. 55	16	Prov. that a defendant may be charged with two or more offenses in the same indictment
S. B. 7	10	Rel. to offense of driving while under influence of alcohol or cont. substances
S. B. 77	23	Pertains to the widow retaining poss. of the dwelling of the decedent until dower is assigned to prov. that either spouse may retain poss. of the dwelling until homestead is assigned
S. B. 31	12	Relates to the alcoholic beverage lic. code
S. B. 63	19	Prov. that persons conv. of certain crimes of violence shall not be elig. for work release or early parole
S. B. 39	13	Relates to hunting

S. B. 51	15	Relates to the willful and malicious burning of woodlands
S. B. 41	14	Relates to defendants found to have committed an act while insane
S. B. 47	14	Class C felony
S. B. 50	15	Defendants found not guilty by reason of insanity
S. B. 76	1	Spec. permits for the movement of certain type oversized loads over or on the highways of Alabama
S. B. 83	23	Relates to arrest without a warrant
S. B. 59	19	Repeals sec. which prov. that no criminal prosecution for prejury may result if the sub. of the defendant's false statement was a denial of his guilt in a prev. crim. proc.
S. B. 57	17	Rel. to Board of Pardons and Paroles
S. B. 56	17	Abolishes insanity as a defense to crim. charge
S. B. 54	16	Relates to prostitution
S. B. 52	15	Prescribes the authority and powers of Attorney General's investigators
S. B. 48	14	Prov. that a def. cannot be admitted to bail after conviction
S. B. 40	13	Rel. to night time searches
S. B. 32	13	Search warrants
S. B. 34	1	Alabama Commission on Higher Education

On motion of Mr. Harrison, said Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 72. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct

occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

And said Bill, S. B. 72, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Taylor	
Britnell	Holmes	Miller	Teague (B)	
deGraffenried	Keener	Mitchem	Weeks	
Denton	Kirkland	Smith	White	
Goodwin	Little			—17

Nays:

—0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTION

Messrs. Martin, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. NAMING STATE HIGHWAY 157 BYPASS IN CULLMAN THE FINIS ST. JOHN BYPASS.

WHEREAS, Finis St. John is a native of Cullman, Alabama, having attended the public schools there and having distinguished himself as a practicing attorney for many years in that city; and

WHEREAS, Finis St. John was first elected to the Alabama House of Representatives in 1970, where he served until 1974 when he was elected to the first of two terms in the Senate, thus becoming the fourth consecutive member of his family to serve in the Alabama Legislature; and

WHEREAS, Senator St. John's record of service to the Cullman area has been most outstanding as he is currently serving as President Pro Tem of the Senate and was very influential during revision of the Code of Alabama in the mid 1970's; and

WHEREAS, Senator St. John throughout his legislative career has exemplified great dignity, loyal representation and outstanding statesmanship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Highway 157 Bypass in Cullman, Alabama, is hereby designated the Finis St. John Bypass.

BE IT FURTHER RESOLVED, That the Alabama Highway Department be ordered and is hereby directed to designate the above-described bypass in accordance with this Resolution.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 16. To amend the definitions contained in Section 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Taylor
Bailey	Harrison	Miller	Teague (B)
Britnell	Holmes	Mitchem	Vacca
deGraffenried	Keener	Proctor	Weeks
Denton	Kirkland	Smith	White

—19

Nays: —0

The Bill:

S. 17. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Messrs:	Goodwin	Miller	Taylor
Bailey	Holmes	Mitchem	Teague (B)
Britnell	Keener	Proctor	Vacca
deGraffenried	Kirkland	Smith	White
Denton	Little		

—17

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues:

H. 33. To amend Sections 16-5-1, 16-5-2, 16-5-3, 16-5-4, 16-5-5, 16-5-8, 16-5-9, 16-5-10, and 16-5-13, Code of Alabama 1975, known as the Alabama Commission on Higher Education (ACHE) to further: define certain terms; establish qualifications for commission members; establish requirements for a quorum of the commission at meetings; provide for appointment of executive officer without conformation of the senate; grant authority to commission to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature; and amend the commission's powers and duties.

Also:

By Rep. Laird (with notice and proof):

H. 124. Relating to Randolph County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a certain fee.

I hereby certify that the Notice & Proof is attached to the bill, H. B. 124, as required in the General Acts of Alabama, 1975 Act No. 919.

John W. Pemberton,
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 125. Relating to Chambers County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a fee which is based on actual costs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 125, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Cooley:

H. 95. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

Also:

By Reps. Williams, Daniels, Grimsley, Bowling and Gafford:

H. 64. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

John W. Pemberton,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

- H. B. 33. To the Committee on Education
H. B.'s 124 and 125. To the Committee on Local Legislation No. 1
H. B.'s 95 and 64. To the Committee on Judiciary.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Martin:

S. 100. To provide further for the annual salary of the governor, the secretary of state, the state auditor and the commissioner of agriculture and industries; and to provide for such sums to commence with the next term of office.

Committee on Governmental Affairs.

BILLS ON THIRD READING RESUMED

The Bill:

S. 60. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Harrison	Martin	Smith
Britnell	Holmes	Miller	Taylor
deGraffenried	Keener	Mitchem	Teague (B)
Denton	Kirkland	Proctor	Weeks
Goodwin			—20

Nays: —0

The Bill:

S. 53. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	St. John
Bailey	Gulledge	Kirkland	Taylor
Britnell	Harrison	Little	Teague (B)
Cook	Hilliard	Martin	Weeks
deGraffenried	Holmes	Proctor	White
Denton			—20

Nays: —0

The Bill:

S. 61. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, S. B. 61, to-wit:

AMENDMENT TO S. B. 61

Amend Senate Bill No. 61, Page 1, by striking out lines 29 & 30 in their entirety and inserting in lieu thereof the following language:

"January 1, 1983.

Which was adopted.

Yeas 17; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Harrison	Proctor	Teague (B)	
deGraffenried	Holmes	St. John	White	
Denton	Kirkland			—17

Nays: —0

And the Bill, S. B. 61, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Goodwin	Kirkland	St. John	
Britnell	Gulledge	Little	Smith	
Cook	Harrison	Martin	Teague (B)	
deGraffenried	Holmes	Miller	White	
				—19

Nays: —0

The Bill:

S. 64. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Britnell	deGraffenried	Goodwin
Bailey	Cook	Denton	Gulledge

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Harrison	Little	Proctor	Teague (B)	
Holmes	Martin	St. John	Vacca	
Keener	Miller	Smith	Weeks	
Kirkland	Mitchem	Taylor	White	
				—23
Nays: Mr. Hilliard.				—1

The Bill:

S. 23. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

was taken up.

Mr. Hilliard offered the following substitute for the Bill, S. B. 23, to-wit:

SUBSTITUTE FOR S. B. 23

A BILL
TO BE ENTITLED
AN ACT

To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12-15-1, 12-15-30, 12-15-33, and 12-15-34, Code of Alabama 1975, are hereby amended to read as follows:

"§12-15-1. When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ADULT. An individual 19 years of age or older.

"(2) AFTERCARE. Such conditions and supervision as the court orders after release of legal custody.

"(3) CHILD. a. Such term, before January 1, 1978, means an individual under the age of 17 or under 19 years of age who committed the act of delinquency with which he is charged before reaching the age of 17 years.

"b. Such term, after December 31, 1977, means an individual under the age of 18 or under 19 years of age and who committed the act of delinquency with which he is charged before reaching the age of 18 years.

"(4) CHILD IN NEED OF SUPERVISION. A child who:

"a. Being subject to compulsory school attendance, is habitually truant from school; or

"b. Disobeys the reasonable and lawful demands of his parents, guardian or other custodian and is beyond their control; or

"c. Has committed an offense established by law but not classified as criminal or on applicable only to children; and

"d. In any of the foregoing, is in need of care or rehabilitation.

"(5) COMMIT. Transfer legal and physical custody.

"(6) CONSENT DECREE. An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

"(7) COURT OR JUVENILE COURT. The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

"(8) DELINQUENT ACT. An act designated a crime under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance; provided, however, that crimes designated as Class A felonies, and any offense arising out of the same incident as a Class A felony charge, committed by one sixteen (16) years of age or older, traffic offenses committed by one sixteen (16) years of age or older and all offenses under the conservation and natural resources laws of the state of Alabama committed by one sixteen (16) years of age or older shall be excepted unless transferred to the juvenile court by the court having jurisdiction.

"(9) DELINQUENT CHILD. A child who has committed a delinquent act and is in need of care or rehabilitation.

"(10) DEPENDENT CHILD. A child;

"a. Who, for any reason is destitute, homeless or dependent on the public for support; or

"b. Who is without a parent or guardian able to provide for his support, training or education; or

"c. Whose custody is the subject of controversy; or

"d. Whose home, by reason of neglect, cruelty or depravity on the part of his parent, parents, guardian or other person in whose care he may be, is an unfit and improper place for him; or

"e. Whose parent, parents, guardian or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical or other care necessary for such child's health or well-being; or

"f. Who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger his morals, health or general welfare; or

"g. Who has no proper parental care or guardianship; or

"h. Whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory school attendance laws of this state; or

"i. Who has been abandoned by his parents, guardian or other custodian; or

"j. Who is physically, mentally or emotionally abused by his parents, guardian or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them; or

"k. Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

"l. Who has been placed for care or adoption in violation of the law; or

"m. Who for any other cause is in need of the care and protection of the state; and

"n. In any of the foregoing, is in need of care or supervision.

"(11) DETENTION CARE. The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent; provided, however, that detention care may also include temporary care of children in need of supervision until January 1, 1978.

"(12) GUARDIAN AD LITEM. A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

"(13) INTAKE OFFICE. The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.

"(14) JUDGE. Judge of the juvenile court as prescribed by this chapter.

"(15) LAW ENFORCEMENT OFFICER. Any person, however denominated, who is authorized by law to exercise the police powers of the state or local governments.

"(16) LEGAL CUSTODIAN. A person, agency or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

"(17) LEGAL CUSTODY. A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom he shall live within the state and the right and duty to protect, train and discipline him and to provide him with food, shelter, clothing, education and ordinary medical care, all subject to the powers, rights, duties and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

"(18) MINOR. An individual who is under the age of 19 years and who is not a 'child' within the meaning of this chapter.

"(19) PROBATION. The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

"(20) PROTECTIVE SUPERVISION. A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in his home subject to supervision and to return to the court for

violation of protective supervision at any time during the period of protective supervision.

"(21) RESIDENTIAL FACILITY. A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment and maintenance for children, including institutions, foster family homes, group homes, halfway houses and forestry camps, and, where not operated by a public agency, licensed or approved to provide such care.

"(22) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation and the responsibility for support.

"(22) SHELTER CARE. The temporary care of children in group homes, foster care or other nonpenal facilities."

"§ 12-15-30. (a) The juvenile court shall exercise exclusive original jurisdiction of the following proceedings, which are governed by this chapter:

"(1) Proceedings, in which a child is alleged to be delinquent, dependent or in need of supervision; and

"(2) Proceedings involving traffic offenses which have been transferred to the juvenile court pursuant to subsection (b) of section 12-15-133 12-15-33.

"(3) Proceedings which have been transferred to the juvenile court from any court having original jurisdiction pursuant to subsection (b) of section 12-15-33.

"(b) The court shall also exercise exclusive original jurisdiction of the following proceedings, which shall be governed by the laws relating thereof:

"(1) Proceedings to determine custody or to appoint a legal custodian or guardian of the person of a child when the child is otherwise before the court. This provision, however, shall not be construed to deprive other courts of the right to determine the custody or guardianship of the person of children when such custody or guardianship is incidental to the determination of cases pending in those courts. Such courts, however, may certify said questions to the juvenile court for hearing and determination or recommendation;

"(2) Removal of disabilities of nonage, including judicial consent to marriage, employment or enlistment when such consent is required by law;

"(3) Proceedings under the Interstate Compact on Juveniles;

"(4) Proceedings for the commitment of a mentally ill or mentally retarded child;

"(5) Proceedings for the adoption of a child when such proceedings have been removed from probate court on motion of any party to the proceedings; and

"(6) Termination of parental rights.

"(c) The court shall have original jurisdiction in proceedings:

"(1) Concerning any child:

"a. Who is in a situation subjecting him to physical, mental or emotional abuse or is in clear and present danger of suffering lasting or permanent damage; or

"b. Who requires emergency medical treatment in order to preserve his live, prevent permanent physical impairment or deformity or alleviate prolonged agonizing pain;

"(2) Where it is alleged that a child's rights are improperly denied or infringed in proceedings resulting in suspension, expulsion or exclusion from a public school."

"§ 12-15-33. (a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that a defendant was a child, as defined in this chapter, at the time of the alleged offense, that court, which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all the papers, documents and transcripts of any testimony connected therewith, to the juvenile court, except when the offense alleged is a Class A felony committed by one sixteen (16) years of age or older. The transferring court shall order that the juvenile be taken forthwith to the place of detention designated by the juvenile court or to the juvenile court itself or shall release him to the custody of his parent or guardian or other person legally responsible for him or under his own recognizance, to be brought before the court at a time designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court, unless that court directs the filing of a petition. The juvenile court shall then proceed as provided in this chapter. All action taken by the court prior to transfer of the case shall be deemed null and void unless the juvenile court transfers under section 12-15-34.

"(b) Any court exercising jurisdiction over felonies, misdemeanors, violations, offenses under the conservation and natural resources laws or traffic offenses may transfer any case involving as the alleged crime, violation or traffic offense by a child, as defined in this chapter, to the juvenile court for adjudication as an act of delinquency, except in the case of a child who has been previously convicted of a felony offense in the adult court.

"§ 12-15-34. (a) The prosecutor may, before a hearing on the petition on its merits and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

"(1) The child was fourteen (14) or more years of age at the time of the conduct charged and is alleged to have committed an act which would constitute a felony crime if committed by an adult; or

"(2) The child is 14 or more years of age and is already under commitment to an agency, department or institution as a delinquent.

"(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

"(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70.

"(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

- "(1) The nature of the present alleged offense;
- "(2) The extent and nature of the child's prior delinquency record;
- "(3) The nature of past treatment effort and the nature of the child's response to such efforts;
- "(4) Demeanor;
- "(5) The extent and nature of the child's physical and mental maturity; and
- "(6) The interest of the community and of the child requiring that the child be placed under legal restraint or discipline.
- "(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors listed in subsection (d) of this section shall be made by probation services.
- "(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion, which shall include a finding or probable cause for believing that the allegations are true and correct.
- "(g) Transfer of a child to adult court as herein provided terminates the jurisdiction of the juvenile court over the child with respect to pending delinquent acts."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any portion of this act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Taylor	
Bailey	Harrison	Proctor	Teague (B)	
Britnell	Hilliard	Robertson	Vacca	
Cook	Keener	St. John	Weeks	
Denton	Kirkland	Smith	White	
Goodwin	Little			—21

Nays: —0

And said Bill, S. B. 23, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Britnell	Goodwin	Harrison
Bailey	Denton	Gulledge	Holmes

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Keener	Miller	Smith	Vacca	
Kirkland	Proctor	Taylor	Weeks	
Little	Robertson	Teague (B)	White	
Martin	St. John			—21

Nay: Mr. Hilliard. —1

BILL RE-REFERRED

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said Committee, in session, had acted on the following Bill, S. B. 93, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the Acting President and Presiding Officer of the Senate ordered said Bill, S. B. 93, re-referred to the Standing Committee on Rules.

MOTION TO RECESS LOST

At 11:35 A.M., Mr. Keener moved that the Senate take a recess until 1:30 P.M., which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

S. 74. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith	
Bailey	Holmes	Miller	Taylor	
Cook	Keener	Mitchem	Teague (B)	
deGraffenried	Kirkland	Proctor	Vacca	
Denton	Lemaster	Robertson	Weeks	
Goodwin	Little	St. John	White	
Gulledge				—24

Nays: —0

The Bill:

S. 75. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cook	Denton	Gulledge
Bailey	deGraffenried	Goodwin	Harrison

Holmes	Little	Robertson	Vacca	
Keener	Miller	St. John	Weeks	
Kirkland	Mitchem	Smith	White	
Lemaster	Proctor	Taylor		—22
<i>Nays:</i>				—0

MOTION TO RECESS LOST

At 11:45 A.M., Mr. Keener moved that the Senate take a recess until 1:29 P.M., which motion was lost.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 27. NAMING A PORTION OF CRENSHAW COUNTY ROAD 41 IN HONOR OF THE LATE MR. REX SIKES.

Also:

H. J. R. 48. AUTHORIZING THE ERECTION OF A DAM ON SMITH'S LAKE IN BALDWIN COUNTY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 66. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Gulledge	Little	Smith	
Britnell	Harrison	Martin	Taylor	
Cook	Holmes	Miller	Teague (B)	
deGraffenried	Keener	Mitchem	Weeks	
Denton	Kirkland	Proctor		—22

Nays: —0

The Bill:

S. 67. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

was taken up.

On motion of Mr. White, further consideration of the Bill, S. B. 67, was postponed temporarily.

POINT OF PERSONAL PRIVILEGE

Mr. Lemaster requested that the Journal show that had he been present when the Bills, S. B.'s 72, 16, 17, 60, 61, 53, 64, 23, and 74, were passed, he would have voted "Aye".

REPORTS OF COMMITTEES

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald and Mitchem:

S. 95. To appropriate \$150,000 from the State General Fund for fiscal year starting October 1, 1982; said appropriation to be used only by the Department of Agriculture and Industries in the development of foreign trade for Alabama agricultural commodities.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kirkland:

S. 96. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "Contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (with notice and proof):

S. 90. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees,

improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

By Mr. Hilliard (with notice and proof):

S. 91. To amend Article VII of Act No. 1272 of the Regular Session of the legislature of Alabama of 1973, said Article relating to loans to participants, repayment of loans, and life insurance, said Article to be amended in full, said Article to be amended to provide that participant loans shall be repaid in a period of forty-eight months or less from the date of such loan, and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board but not less than seven (7) percent per annum.

Mr. Harrison, Vice-Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 93. To transfer a sum erroneously appropriated to the Administrative Office of the Courts of the Unified Judicial System, pursuant to Section 2 of Act No. 82-569, H. 151, Regular Session 1982, to the Department of Youth Services for the fiscal year ending September 30, 1982, for a pilot program for the rehabilitation of juvenile first offenders in Northwest Alabama; to authorize the Department of Youth Services to contract for such services.

BILLS ON THIRD READING RESUMED

The Bill:

S. 68. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	Martin	Vacca	
Cook	Holmes	Miller	Weeks	
deGraffenried	Keener	Mitchem	White	
Denton	Kirkland	St. John		—22

Nays: —0

RECESS

At 11:55 A.M., on motion of Mr. White, the Senate took a recess until 1:31 P.M.

The recess period having expired, the Senate was called to order by President Pro Tempore St. John. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J), Bennett and Clark (G):

H. 114. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 114. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J) and Bedsole:

H. 113. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, §13A-3-1, §15-16-1, §15-16-24 and all other laws in conflict with this Act.

Also:

By Rep. Pegues:

H. 34. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 113. To the Committee on Judiciary.

H. B. 34. To the Committee on Education.

(The above numbered Bill, H. B. 34, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed:

H. 127. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and powers of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain or assist a public building authority in the financing of county jail facilities and other county buildings; excluding a county lease of such facilities from the county's debt limit; validating Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session; providing for the state revenue department to collect certain county industrial taxes; and repealing an earlier act proposing a similar amendment.

Also:

By Reps. Smith (J) and Bedsole:

H. 118. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 127. To the Committee on Local Legislation No. 1.

H. B. 118. To the Committee on Judiciary.

(The above numbered Bill, H. B. 127, was read a first time at length as required by the Constitution.)

BILLS ON THIRD READING RESUMED

The Bill:

S. 7. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

was taken up.

On motion of Mr. Weeks, further consideration of the Bill, S. B. 7, was postponed temporarily.

The Bill:

S. 77. To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until home-stead is assigned.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Harrison	Little	Smith
Britnell	Higginbotham	Martin	Teague (B)
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Keener	Robertson	White
Goodwin	Kirkland		

—25

Nays: —0

The Bill:

S. 55. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants may be charged in the same indictment, information or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this Act; to provide an effective date; and to specify the cases to which this Act applies.

was taken up.

Mr. Keener offered the following amendment to the Bill, S. B. 55, to-wit:

AMENDMENT TO S. B. 55

Amend Senate Bill No. 55, by striking out Section 3 in its entirety.

Which was adopted.

Yeas 18; Nays 3.

Yeas:

Messrs.:	deGraffenried	Holmes	St. John	
Bailey	Denton	Keener	Smith	
Britnell	Gulledge	Little	Vacca	
Callahan	Harrison	Martin	Weeks	
Cook	Hilliard	Robertson		—18

Nays: Messrs.: Kirkland, Proctor and White. —3

And said Bill, S. B. 55, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Gulledge	Martin	Teague (B)	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
deGraffenried	Kirkland			—21

Nay: Mr. Hilliard —1

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, S. B. 55, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 67

The Senate proceeded to further consideration of the Bill, S. B. 67.

And said Bill, S. B. 67, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John	
Britnell	Harrison	Little	Smith	
Callahan	Higginbotham	Martin	Teague (B)	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Proctor	Weeks	
Denton	Kirkland	Robertson	White	
Goodwin				—24

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 31. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.
was taken up.

On motion of Mr. Weeks, further consideration of the Bill, S. B. 31, was postponed temporarily.

The Bill:

S. 63. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.
was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	St. John
Callahan	Holmes	Miller	Smith
Cook	Keener	Mitchem	Teague (B)
Denton	Kirkland	Proctor	White
Goodwin	Lemaster		

—21

Nays: —0

FURTHER CONSIDERATION OF S. B. 7

The Senate proceeded to further consideration of the Bill, S. B. 7.

Mr. Smith offered the following substitute for the Bill, S. B. 7, to-wit:

SUBSTITUTE FOR S. B. 7

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-5A-191, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-5A-191. (a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.10 percent or more by weight of alcohol in his blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$100.00 nor more than \$1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(d) On a second or subsequent conviction within a five year period, the person convicted of violating this section shall be punished by a fine of not less than \$200.00 nor more than \$1,500.00 or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and imprisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.

"(e) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund, all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

"(c) Except as provided in Subsection (e) hereof: (1) Any persons violating the provisions of this section shall upon conviction thereof for the first offense be fined not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) and such person or persons shall be confined in the county jail or workhouse for not less than forty-eight (48) hours nor more than eleven (11) months and twenty-nine (29) days, provided, however, if such conviction is for forty-eight (48) hours it shall be served at a time when the person is off from work and will not interfere with his regular employment, and the court shall prohibit such convicted person from driving a vehicle in the State of Alabama for a period of time of one (1) year. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(2) For conviction on the second offense there shall be imposed a fine of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) and the person or persons shall be confined in the county jail or workhouse for not less than forty-five (45) days nor more than eleven (11) months and twenty-nine (29) days, and the court shall prohibit such convicted person or persons from driving a vehicle in the State of Alabama for a period of time of two (2) years.

"(3) For the third or subsequent conviction there shall be imposed a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) and the person or persons shall be confined in the county jail or workhouse for not less than one hundred twenty (120) days nor more than eleven (11) months and twenty-nine (29) days, and the court shall prohibit such convicted person or persons from driving a vehicle in the State of Alabama for a period of time of not less than three (3) years nor more than (10) years.

"In addition the motor vehicle in which the driver was arrested and convicted for the third or subsequent time shall be confiscated by the arresting law enforcement agency and shall be deemed illegal contraband and shall not be returned to the said driver, provided further that:

"(i) No conveyance is subject to forfeiture under this subsection by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

"(ii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

"(4) Property taken or detained under subsection (3) shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under subsection (3), the state, county or municipal law enforcement agency may:

"(i) Place the property under seal;

"(ii) Remove the property to a place designated by it; or

"(iii) Require the state, county or municipal law enforcement agency to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

"(5) When property is forfeited under subsection (3) the state, county or municipal law enforcement agency may:

"(i) Retain it for official use;

"(ii) Sell the vehicle at public sale. The proceeds from the sale authorized by this subsection shall be used, first, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance or of custody, advertising and court costs; and the remaining proceeds from such sale shall be awarded and distributed by the court to the municipal, and/or county, and/or state general fund whose law enforcement agencies or departments are determined by the court to have been a participant in its confiscation; or

"(iii) Require the state, county or municipal law enforcement agency to take custody of the property and remove it for disposition in accordance with law.

"(6) For purposes of this section, a person whose convictions occur more than ten (10) years apart shall not be considered a multiple offender and the penalties imposed under subsection (c) (3) hereof for multiple offenders shall not apply to such person.

"(d) (1) No person charged with violating the provisions of this section shall be eligible for suspension of prosecution and dismissal of charges or for any other pretrial diversion program nor shall any person convicted under such sections be eligible for suspension of sentence or probation or any other provision of law authorizing suspension of sentence or probation until such time as he has fully served day for day at least the minimum sentence provided by law.

"(e) (1) Except as provided in item (2) of this subsection, if a person's motor vehicle operator's license has been suspended pursuant to subsection (c) of this section and such suspension is the result of the person's first conviction for violating section 32-5A-191. The trial judge is vested with the authority and discretion to allow the continued use of a restricted motor vehicle operator's license issued by the department of public safety, or may in the event such a license has not been issued, order the issuance of a restricted license allowing the person so convicted to operate a motor vehicle for the sole and exclusive purpose of going to and from and working at his regular place of employment or in the case of a student enrolled full-time in a college or university, going to and from such college or university. An Alabama resident, whose operator's license has been suspended because of his conviction in another jurisdiction of operating a motor vehicle while under the influence of an intoxicating liquor or a narcotic drug, may apply to a judge of any court of the county of his residence having jurisdiction to try said charges for a restricted motor vehicle operator's license if the conviction for such offense is the person's first. The judge may, in his discretion, allow the continued use of a restricted motor vehicle operator's license issued by the department of public safety, or may, in the event such a license has not been issued, order the issuance of a restricted motor vehicle operator's license allowing the person so convicted to operate a motor vehicle for the sole and exclusive purpose of going to and from and working at his regular place of employment, or in the case of a student enrolled full-time in a college or university, going to and from such college or university, provided that a copy of the judgment of conviction, certified by the court which tried the case, accompanies the application and provided further that the conviction is the person's first conviction in any jurisdiction for operating a motor vehicle under the influence of an intoxicating liquor or a controlled substance. Such order shall state with all practicable specificity the necessary time and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be prescribed within ten (10) days after the date of conviction to the department of public safety, accompanied by a fee of twenty dollars (\$20), who shall forthwith issue a restricted license embodying the limitations imposed upon the person so convicted, provided, however, said person shall first successfully complete a driver's license examination. After proper application and until such time as the restricted license is issued a certified copy of the order or judgment of the court may serve in lieu of the motor vehicle operator's license.

"(2) If during the course of conduct which was the basis for a driver's conviction under this section, another person is killed or suffers serious bodily injury as the proximate result of such driver's intoxication, such driver shall not be eligible for and the court shall not have the authority to grant the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (a) has expired notwithstanding the fact that it may be the driver's first such conviction.

"(3) Any person whose motor vehicle operator's license has been suspended pursuant to subsection (c) of this section and such suspension is the

result of the person's second or subsequent conviction for violating this section, shall not be eligible for nor shall the court have the authority to grant or order the issuance of a restricted motor vehicle operator's license until such time as the period of suspension mandated by subsection (c) has expired.

"(2) Unless the judge determines that a person convicted a violating the provisions of this section is indigent, the minimum applicable fine shall be mandatory and shall not be subject to reduction or suspension.

"(f) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund, all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	St. John
Britnell	Hilliard	Miller	Smith
Callahan	Holmes	Mitchem	Teague (B)
Cook	Keener	Parsons	Vacca
Goodwin	Kirkland	Proctor	Weeks
Gulledge	Lemaster	Robertson	White
Hall			

—24

Nays: —0

On motion of Mr. Weeks, further consideration of the Bill, S. B. 7, as amended by the substitute, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 39. To amend § 9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

was taken up.

On motion of Mr. deGraffenried, further consideration of the Bill, S. B. 39, was postponed temporarily.

RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 19. COMMENDING THE THOMASVILLE, ALABAMA, VOLUNTEER FIRE DEPARTMENT.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 51. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Britnell	Hall	Little	St. John
Callahan	Harrison	Martin	Smith
Cook	Higginbotham	Miller	Teague (B)
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Goodwin	Kirkland	Proctor	

—26

Nays:

—0

The Bill:

S. 41. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	St. John
Callahan	Holmes	Miller	Smith
Denton	Keener	Mitchem	Teague (B)
Goodwin	Kirkland	Parsons	Vacca
Gulledge	Lemaster	Proctor	Weeks
Hall			

—24

Nays:

—0

The Bill:

S. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

THIRD EXTRAORDINARY SESSION
3rd Day

95

Yeas 24; Nays 1.

Yeas:

Messrs.:	Higginbotham	McDonald	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Teague (B)	
Denton	Kirkland	Parsons	Vacca	
Gulledge	Lemaster	Proctor	Weeks	
Hall	Little	St. John	White	
Harrison				—24
<i>Nay:</i> Mr. Hillard.				—1

The Bill:

S. 50. To amend Section 15-16-41 of the Code of Alabama 1975, which relates to hearings for defendants found not guilty by reason of insanity, so as to provide for the determination of the holding of such hearings for all defendants in criminal cases found to have committed the act while insane.

was taken up.

On motion of Mr. Robertson, further consideration of the Bill, S. B. 50, was postponed temporarily.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. COMMENDING AND CONGRATULATING THE PHENIX CITY HAWKS AS OUR NEW STATE SOFTBALL CHAMPIONS.

Also:

S. J. R. 4. CONGRATULATING PHENIX CITY CHAMPIONS OF THE STATE DIXIE MAJORS BASEBALL TOURNAMENT.

Also:

S. J. R. 5. MOURNING THE DEATH OF REVEREND W. J. POWELL.

Also:

S. J. R. 7. MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

Also:

S. J. R. 9. HONORING MRS. JULIA H. BERRY OF DADEVILLE, ALABAMA, UPON HER RECENT SELECTION AS PRESIDENT OF THE DEPARTMENT OF ALABAMA AMERICAN LEGION AUXILIARY.

Also:

S. J. R. 10. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

S. J. R. 12. URGING THE COURTS TO HOLD RESTITUTION HEARINGS.

Also:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY FORT TOULOUSE-FORT JACKSON.

Also:

S. J. R. 14. COMMENDING MR. WILEY L. BOLDEN FOR OUTSTANDING SERVICE TO THE STATE.

Also:

S. J. R. 15. COMMENDING MR. TONY KOURMOULIS OF PINSON, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENTS.

Also:

S. J. R. 16. COMMENDING THE HOOVER ATHLETIC ASSOCIATION SENIOR DIVISION BASEBALL TEAM.

ALBERT McDONALD,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 76. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Gulledge	Lemaster	Robertson
Bailey	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Teague (B)
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Goodwin			

—28

Nay: Mr. Hilliard.

—1

FURTHER CONSIDERATION OF S. B. 39

The Senate proceeded to further consideration of the Bill, S. B. 39.

Mr. Kirkland offered the following amendment to the Bill, S. B. 39,
to-wit:

AMENDMENT TO S. B. 39

Amend Senate Bill No. 39 Page 2, Line 9, by striking out after the word:
who "hunts or"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Martin	St. John
Britnell	Holmes	McDonald	Smith
Callahan	Keener	Miller	Teague (B)
Cook	Kirkland	Parsons	Weeks
deGraffenried	Lemaster	Proctor	White
Goodwin	Little	Robertson	—22

Nays: —0

On motion of Mr. Kirkland, further consideration of the Bill, S. B. 39, as amended, was postponed temporarily.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 23. ENCOURAGING THE JOINT LEGISLATIVE PRISON OVERSIGHT COMMITTEE TO PETITION THE GOVERNOR AND ASSISTANT FINANCE DIRECTOR TO CAREFULLY CONSIDER ANOTHER SITE FOR THE NEW PRISON NOW BEING PROPOSED FOR LIMESTONE COUNTY.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Mr. Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. COMMENDING THE PINSON HUMAN RESOURCE CENTER GYMNASTICS TEAM.

WHEREAS, it is to be noted with commendation that the Pinson Human Resource Center Gymnastics Team of Pinson, Alabama, has been invited to perform at the World's Fair, and is the only team from Alabama to be so honored; and

WHEREAS, coached by Mr. Wayne Stough, who is an employee of the Alabama State Highway Department, the Pinson community team will perform twice daily at the exposition's U.S. Pavillion from September 12-15, 1982; and

WHEREAS, the team, which is often referred to as "Wayne's Angels," has been practicing diligently for their performances under Mr. Stough who, in addition to team coach, is gymnastic instructor for the HRC program in Pinson; and

WHEREAS, though numerous obstacles have had to be faced since the team's invitation was issued this past Fall, "Wayne's Angels" are now confident that the necessary funds will soon be available, as well as accommodations and other necessities for a successful appearance as Alabama's representatives to the World's Fair; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Wayne Stough and his award-winning gymnastics team of 25 talented young ladies, our State's Ambassadors to the World's Fair in Knoxville, Tennessee.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Stough, on behalf of his "Angels," and in token of our warm best wishes for every future success.

On motion of Mr. Hall, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 83. To amend Section 15-10-3, Code of Alabama 1975, relating to arrests without a warrant, so as to further provide for such arrests for misdemeanors under certain circumstances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Little	St. John
Britnell	Higginbotham	McDonald	Smith
Callahan	Holmes	Miller	Taylor
Cook	Keener	Mitchem	Teague (B)
Denton	Kirkland	Proctor	Weeks
Goodwin	Lemaster	Robertson	White
Hall			
			—24
Nays:			—0

POINT OF PERSONAL PRIVILEGE

Mr. Miller requested that the Journal show that had he been present when the Bills, S. B.'s 67 and 55, passed, he would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

S. 59. To repeal Section 13A-10-106 Code of Alabama 1975, which provides that no criminal prosecution for perjury may result if the substance

of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

was taken up.

On motion of Mr. Hilliard, further consideration of the Bill, S. B. 59, was postponed temporarily.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 21. MOURNING THE DEATH OF MR. GUY H. BRASWELL OF WEDOWEE, ALABAMA.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 57. To amend Code of Alabama 1975, §15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; to amend Code of Alabama 1975, § 15-22-27 to provide that any death sentence commuted by the governor shall be commuted to life imprisonment without parole; to provide for severability; to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

was taken up.

Mr. White offered the following substitute for the Bill, S. B 57, to-wit:

SUBSTITUTE FOR S. B. 57

A BILL
TO BE ENTITLED
AN ACT

To amend Section 15-22-36, Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles, so as to provide further for the notification procedure.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15-22-36, Code of Alabama 1975, is hereby amended to read as follows:

"§ 15-22-36.

"(a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the board of pardons and paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.

"(b) Each member of the board of pardons and paroles favoring a pardon, parole, remission of a fine or forfeiture or restoration of civil and political rights shall enter in the file his reasons in detail, which entry and the order shall be public records, but all other portions of the file shall be privileged.

"(c) No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon; and no pardon shall be granted unless the prisoner has successfully completed at least three years of permanent parole or until the expiration of his sentence if his sentence was for less than three years, except upon the unanimous affirmative vote of the board following receipt and filing of clear proof of his innocence of the crime for which he was convicted and the written approval of the judge who tried his case or district attorney or with the written approval of a circuit judge in the circuit where he was convicted if the judge who tried his case is dead or no longer serving.

"(d) The board of pardons and paroles shall have no power to grant a pardon, order a parole, remit a fine or forfeiture or restore civil and political rights until 30 days' written notice that the prisoner is being considered therefor has been given by the board to the judge and the district attorney who tried the subject's case and to the sheriff of the county where convicted, and to the same officials of the county where the crime occurred if different from the county of conviction; provided, however, that if they are dead or not serving, such notice shall be given to the incumbent sheriff, district attorney and (one of the judges of the circuit in which the subject was convicted) judge.

"(e) The Board of Pardons and Paroles shall have no power to grant a pardon, order a parole, or restore civil and political rights to a prisoner convicted of a Class A felony, or a Class B felony resulting in injury to the victim or in which a child under age 16 is a victim, until 30 days written notice that the prisoner is being considered therefor has been given by the Board to the victim or, in the event of the victim's death, his surviving immediate family, when written request for such notice has been filed with the Board by the victim or the victim's surviving immediate family."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

On motion of Mr. Hilliard, further consideration of the Bill, S. B. 57, and pending substitute, was postponed temporarily.

The Bill:

S. 54. To provide for the conviction as criminal of those who engage in or assist others in engaging in the act of prostitution and to provide the punishment for said crime.

was taken up.

Mr. Denton offered the following substitute for the Bill, S. B. 54, to-wit:

SUBSTITUTE FOR S. B. 54

A BILL
TO BE ENTITLED
AN ACT

To provide for the crime of prostitution as a Class A misdemeanor.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person who performs, offers or agrees to perform any of the following acts for money commits the crime of prostitution:

- (1) Any act of sexual intercourse; or
- (2) Any act of deviate sexual conduct.

(b) Prostitution is a Class A misdemeanor.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Weeks, further consideration of the Bill, S. B. 54, and pending substitute, was postponed temporarily.

The Bill:

S. 52. To prescribe the authority and powers of Attorney General's Investigators.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 5.

Yeas:

Messrs.:	Denton	Kirkland	Parsons
Britnell	Goodwin	Lemaster	Proctor
Callahan	Hall	Martin	Taylor
Cook	Harrison	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks

—19

Nays: Messrs.: Higginbotham, Keener, Little, St. John and Smith

—5

FURTHER CONSIDERATION OF S. B. 54

The Senate proceeded to further consideration of the Bill, S. B. 54. The question was on the substitute offered by Mr. Denton.

And said substitute was adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Parsons	Teague (B)
Denton	Kirkland	Proctor	Vacca
Goodwin	Lemaster	Robertson	White
Gulledge			—24

Nays:

—0

And said Bill, S. B. 54, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Robertson
Britnell	Higginbotham	McDonald	St. John
Callahan	Hilliard	Miller	Smith
Denton	Holmes	Mitchem	Teague (B)
Goodwin	Kirkland	Parsons	Vacca
Hall	Lemaster	Proctor	White
			—23

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 56. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, § 13A-3-1, § 15-16-1, § 15-16-24 and all other laws in conflict with this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Denton	Gulledge	Harrison
Callahan	Goodwin	Hall	Higginbotham

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Holmes	Martin	Proctor	Teague (B)
Kirkland	Miller	Robertson	Vacca
Lemaster	Mitchem	St. John	Weeks
Little	Parsons	Smith	White

—23

Nays: —0

RESOLUTION

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U.S. HIGHWAY 78 IN LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT the Ashville Road, from Whitmire Street to U.S. Highway 78 in Leeds, Jefferson County, Alabama, is hereby designated, and shall henceforth and forever be known, as an "Extension of Highway 119."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said road as an "Extension of Highway 119."

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 23. ENCOURAGING THE JOINT LEGISLATIVE PRISON OVERSIGHT COMMITTEE TO PETITION THE GOVERNOR AND ASSISTANT FINANCE DIRECTOR TO CAREFULLY CONSIDER ANOTHER SITE FOR THE NEW PRISON NOW BEING PROPOSED FOR LIMESTONE COUNTY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 48. To amend Section 12-22-170 of the Code of Alabama, 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding ten years and one day.

was taken up.

On motion of Mr. deGraffenried, further consideration of the Bill, S. B. 48, was postponed temporarily.

The Bill:

S. 40. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

was taken up.

Mr. Hilliard moved that further consideration of the Bill, S. B. 40, be postponed temporarily, which motion was lost.

Yeas 8; Nays 12.

Yeas:

Messrs.:	Hall	Holmes	Mitchem	
deGraffenried	Hilliard	McDonald	Parsons	
Denton				—8

Nays:

Messrs.:	Harrison	Miller	Taylor	
Britnell	Keener	Proctor	Vacca	
Cook	Kirkland	St. John	White	
Gulledge				—12

On motion of Mr. St. John, further consideration of the Bill, S. B. 40 was postponed temporarily.

The Bill:

S. 32. To amend Sections 15-5-5 and 15-5-6 of the Code of Alabama 1975, which relate to search warrants, so as to grant policemen and other law enforcement officers of municipalities the power to execute search warrants within the boundaries of an incorporated municipality in this state.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, S. B. 32, was postponed temporarily.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 22. DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U.S. HIGHWAY 78 IN LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

On motion of Mr. Proctor, said Resolution was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 34. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 34, to-wit:

COMMITTEE AMENDMENT TO S. B. 34

Amend S. B. 34, Page 2, Line 29, by inserting after the word "is" in the blank the following: "S. B. 1 or H. B. 33."

On motion of Mr. Cook, further consideration of the Bill, S. B. 34, and pending amendment, was postponed temporarily.

FURTHER CONSIDERATION OF S. B. 7

The Senate proceeded to further consideration of the Bill, S. B. 7, as amended by substitute No. 1.

Mr. Smith offered the following substitute No. 2, for the Bill, S. B. 7, as amended by substitute No. 1, to-wit:

SUBSTITUTE NO. 2 FOR S. B. 7

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-5A-191, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-5A-191. (a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.10 percent or more by weight of alcohol in his blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than

one year, or by fine of not less than \$100.00 \$200.00 nor more than \$1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(d) On a second or subsequent conviction within a five year period, the person convicted of violating this section shall be punished by a fine of not less than \$200.00 nor more than \$1,500.00 or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and imprisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.

"(e) (d) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

"(e) For conviction on the second offense there shall be imposed a fine of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) and the person or persons shall be confined in the county jail or workhouse for not less than fifteen (15) days nor more than eleven (11) months and twenty-nine (29) days, and the court shall prohibit such convicted person or persons from driving a vehicle in the State of Alabama for a period of time of six (6) months.

"(f) For the third or subsequent conviction there shall be imposed a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) and the person or persons shall be confined in the county jail or workhouse for not less than one hundred twenty (120) days nor more than eleven (11) months and twenty-nine (29) days, and the court shall prohibit such convicted person or persons from driving a vehicle in the State of Alabama for a period of time of not less than two (2) years nor more than (10) years.

"In addition the motor vehicle in which the driver was arrested and convicted for the third or subsequent time shall be confiscated by the arresting law enforcement agency and shall be deemed illegal contraband and shall not be returned to the said driver, provided, however, that if the title and license registration of such confiscated motor vehicle is in the name of some person other than said driver and such motor vehicle was being driven with the consent of such owner at such third or subsequent time, then, such motor vehicle shall be subject to immediate repossession by such owner upon production of such title and registration; provided further that:

"(i) No conveyance is subject to forfeiture under this subsection by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

"(ii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

"(g) Property taken or detained under subsection (f) shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under subsection (f), the state, county or municipal law enforcement agency may:

"(i) Place the property under seal;

"(ii) Remove the property to a bonded storage facility for safekeeping by it, or

"(iii) Require the state, county or municipal law enforcement agency to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

"(h) When property is forfeited under subsection (f) the state, county or municipal law enforcement agency may:

"(i) Retain it for official use;

"(ii) Sell the vehicle at public sale. The proceeds from the sale authorized by this subsection shall be used, first, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of or custody, advertising and court costs; and the remaining proceeds from such sale shall be awarded and distributed by the court to the municipal, and/or county, and/or state general fund whose law enforcement agencies or departments are determined by the court to have been a participant in its confiscation; or

"(iii) Require the state, county or municipal law enforcement agency to take custody of the property and remove it for disposition in accordance with law.

"(i) For purposes of this section, a person whose convictions occur more than ten (10) years apart shall not be considered a multiple offender and the penalties imposed under subsection (f) hereof for multiple offenders shall not apply to such person.

"(j) No person charged with violating the provisions of this section shall be eligible for suspension of prosecution and dismissal of charges or for any other pretrial diversion program nor shall any person convicted under such sections be eligible for suspension of sentence or probation or any other provision of law authorizing suspension of sentence or probation until such time as he has fully served day for day at least the minimum sentence provided by law.

"(k) Unless the judge determines that a person convicted of violating the provisions of this section is indigent, the minimum applicable fine shall be mandatory and shall not be subject to reduction or suspension."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Smith then offered the following amendment to the substitute No. 2 for the Bill, S. B. 7, as amended, to-wit:

AMENDMENT TO SUBSTITUTE NO. 2 FOR THE BILL, S. B. 7

Amend Substitute No. 2 for Senate Bill No. 7 Page 3 Line 18, by inserting after the word months.

"It shall be served at a time when the person is off from work and will not interfere with his regular employment"

Which was adopted.

Mr. deGraffenried offered the following amendment to the substitute No. 2, as amended, for the Bill, S. B. 7, as amended, to-wit:

AMENDMENT TO SUBSTITUTE NO. 2, AS AMENDED,
FOR THE BILL, S. B. 7

Amend Smith Substitute to No. 2, S. B. 7 Page 3 Line 31 by deleting the word "shall" and inserting in lieu thereof the word

"may"

line 32 by deleting after the word "and," the word shall and inserting in lieu thereof the word "may" and by deleting after the word "and," the word "shall" and inserting in lieu thereof the word

may

page 4 line 6 after the word "driver," inserting the following language:

"Subject to approval by the court,"

Which was adopted.

Mr. Parsons offered the following amendment to the substitute No. 2, as amended, for the Bill, S. B. 7, as amended, to-wit:

AMENDMENT TO SUBSTITUTE NO. 2, AS AMENDED, FOR S. B. 7

Amend Substitute No. 2 for Senate Bill No. 7 Page 6 Line 8, by inserting after the word

Section L. The defense of contributory negligence in civil actions is hereby abolished in the courts of Alabama.

On motion of Mr. White, said amendment was laid on the table.

Mr. Hilliard offered the following amendment to the substitute No. 2, as amended, for the Bill, S. B. 7, as amended, to-wit:

AMENDMENT TO SUBSTITUTE NO. 2, AS AMENDED, FOR S. B. 7

Amend Substitute No. 2 for S. B. 7 Page 5 Line 21, by striking out 10 after the word "than" and inserting 5

Which was adopted.

And said substitute No. 2, as thus amended, was then adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Harrison	Martin	Smith
Britnell	Hilliard	Miller	Taylor
Callahan	Holmes	Mitchem	Teague (B)
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Robertson	Weeks
Goodwin	Little	St. John	White
Hall			

—24

Nay: Mr. Proctor.

—1

And said Bill, S. B. 7, as thus amended by substitute No. 2, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Teague (B)	
Cook	Hilliard	Parsons	Teague (J)	
deGraffenried	Holmes	Proctor	Vacca	
Denton	Keener	Robertson	Weeks	
Goodwin	Kirkland	St. John	White	
Gulledge				—28

Nays: —0

RESOLUTION

Mr. Robertson offered the following Senate Resolution, to-wit:

S. R. 23. COMMENDING MRS. ANN STEPHENSON UPON HER RETIREMENT FROM SOUTH CENTRAL BELL.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 39

The Senate proceeded to further consideration of the Bill, S. B. 39, as amended.

On motion of Mr. Kirkland the Senate reconsidered the vote by which the amendment to the Bill, S. B. 39, was adopted.

On motion of Mr. Kirkland, said amendment was laid on the table.

And said Bill, S. B. 39, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Britnell	Gulledge	Miller	Taylor	
Callahan	Harrison	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	White	
Denton	Kirkland	Proctor		—18

Nays: —0

RESOLUTION

Messrs. Parsons, White, Hall, Kirkland, and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. ADMONISHING THE ALABAMA EDUCATIONAL TELEVISION COMMISSION TO REFRAIN FROM CARRYING "THE DICK CAVETT SHOW" ON ITS PROGRAMMING SCHEDULE UNTIL

THE LEGISLATURE RECEIVES SOME TYPE OF ASSURANCE FROM THE NATIONAL NETWORK THAT ALABAMA VIEWERS WILL NEVER AGAIN BE SUBJECTED TO SUCH OBSCENE LANGUAGE AS WAS RECENTLY AIRED ON THIS SHOW.

WHEREAS, the primary reason for Educational Television is to reserve a channel for non-commercial, educational use with emphasis on high quality documentary and cultural programs; and

WHEREAS, the Alabama Educational Television Commission is charged, by law, with the duty of controlling and supervising the use of channels reserved by the FCC for educational television programs; and

WHEREAS, just recently ETV viewers in Alabama and the nation while tuning in "The Dick Cavett Show" were appalled, shocked and dismayed at the use of certain filthy and obscene language on this show; and

WHEREAS, by now such viewers must surely realize that use of such abusive language is a trademark of the degenerate "effete snobs" and "pointy-headed" liberals that control national network programming; nevertheless, subjection to such indecency is frustrating and humiliating to the vast majority of ETV viewers in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby admonish the Alabama Educational Television Commission to refrain from carrying "The Dick Cavett Show" on its programming schedule until the Legislature receives some type of assurance from the national network that Alabama viewers will never again be subjected to such obscene language as was recently aired on this show.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent each member of the Alabama Educational Television Commission.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 3. To designate a portion of the appropriation made to the Department of Public Health for the fiscal year ending September 30, 1983 pursuant to Act No. 82-569, H. 151 of the 1982 Regular Session, to the Department of Environmental Management.

was taken up.

Mr. White offered the following amendment to the Bill, S. B. 3, to-wit:

AMENDMENT TO S. B. 3

On line 25 delete the figure "\$453,000" and insert in lieu thereof:
\$413,925

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:
Callahan

Cook
deGraffenried

Denton
Goodwin

Hall
Holmes

THIRD EXTRAORDINARY SESSION
3rd Day

111

Little	Mitchem	Smith	Weeks	
Martin	Parsons	Taylor	White	
Miller	Robertson	Vacca		—18
<i>Nays:</i>				—0

And said Bill, S. B. 3, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs:	Gulledge	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Goodwin	Little	St. John		—22
<i>Nays:</i>				—0

The Bill:

S. 78. To amend Section 25-5-50, Code of Alabama 1975, so as to provide that corporate officers may elect to be exempt from coverage under Workmen's Compensation.

was taken up.

On motion of Mr. Weeks, further consideration of the Bill, S. B. 78, was postponed temporarily.

The Bill:

S. 87. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings, and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Britnell	Gulledge	Little	St. John	
Callahan	Hall	Martin	Smith	
Cook	Harrison	Miller	Taylor	
deGraffenried	Higginbotham	Mitchem	Teague (J)	
Denton	Holmes	Parsons	Vacca	
Goodwin	Kirkland	Robertson	Weeks	—24
<i>Nays:</i>				—0

The Bill:

S. 14. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson	
Callahan	Hall	Martin	St. John	
deGraffenried	Harrison	Miller	Taylor	
Denton	Higginbotham	Mitchem	Vacca	
Goodwin	Kirkland	Parsons	Weeks	—19

Nays:

—0

The Bill:

S. 30. To amend Section 14 of Act No. 82-612, S. 47, Regular Session 1982, relating to the creation of the Department of Environmental Management, so as to remove Section 22-27-5(c), relating to permits and bonds, from the repealer in subsection 7 of subparagraph (a).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Robertson	
Callahan	Hall	Martin	St. John	
Cook	Hilliard	Miller	Taylor	
deGraffenried	Keener	Mitchem	Teague (J)	
Denton	Kirkland	Proctor	Weeks	—19

Nays:

—0

The Bill:

S. 73. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John	
Callahan	Higginbotham	Miller	Taylor	
Cook	Holmes	Mitchem	Teague (J)	
deGraffenried	Keener	Proctor	Weeks	
Denton	Kirkland	Robertson	White	—21
Goodwin	Little			

Nays:

—0

The Bill:

S. 5. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of swine and swine products; to amend Section 2-8-51 of the Code of Alabama 1975, so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Robertson
Britnell	Gulledge	Kirkland	St. John
Callahan	Hall	Mitchem	Taylor
Cook	Harrison	Parsons	Weeks
deGraffenried	Higginbotham	Proctor	White
Denton			

—20

Nays: —0

The Bill:

S. 11. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	Mitchem
Callahan	Goodwin	Keener	Proctor
Cook	Gulledge	Kirkland	St. John
deGraffenried	Harrison	Miller	Taylor

—15

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 84. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Taylor	
Callahan	Hall	Parsons	Teague (J)	
deGraffenried	Higginbotham	Proctor	Weeks	
Denton	Holmes	Robertson	White	
Goodwin	Kirkland	Smith		—18

Nays: —0

The Bill:

S. 35. To amend Act No. 82-524 (Regular Session, 1982) to increase funds available and to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received and to provide administrative costs for the State Department of Education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Callahan	Harrison	Martin	Teague (J)	
Denton	Higginbotham	Miller	Weeks	
Goodwin	Kirkland	Proctor		—14

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 37. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the appointment of a director and employees; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said

department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	Taylor
Callahan	Higginbotham	Parsons	Teague (J)
Denton	Kirkland	Proctor	Weeks
Goodwin	Little		

—13

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 88. To amend Section 1 of Alabama Act No. 82-542, which prohibits certain insurance companies from denying coverage because a person has sickle-cell anemia, to prohibit instead the denial of such coverage because a person has been diagnosed as having sickle-cell anemia traits.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Callahan	Harrison	Miller	Taylor
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Kirkland	Parsons	Weeks
Goodwin	Little	Robertson	White

—19

Nays: —0

The Bill:

S. 19. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	Smith	
Callahan	Higginbotham	Mitchem	Taylor	
Cook	Kirkland	Parsons	Teague (J)	
Denton	Little	Proctor	Weeks	
Goodwin	Martin	St. John	White	
Hall				—20

Nays: —0

The Bill:

S. 36. To make a supplemental appropriation of \$1,485,070 from the Alabama Special Educational Trust Fund for the fiscal year 1982-1983; to provide that only those public institutions conferring at least twenty (20) doctoral degrees shall be eligible to receive the supplemental appropriation, and to make an appropriation to eligible institutions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Callahan	Hall	Martin	Taylor	
Cook	Higginbotham	Miller	Weeks	
deGraffenried	Kirkland	Proctor	White	
				—15

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 80. To amend section 36-27-16, Code of Alabama 1975, relating to the State Employees' Retirement System, so as to change from five years to one year the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 0.

Yeas:

Messrs.:	Hall	Little	Robertson	
Callahan	Higginbotham	Miller	Smith	
Cook	Holmes	Mitchem	Teague (J)	
Goodwin	Kirkland	Parsons		
				—14

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 20. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Messrs.:	Holmes	Miller	Teague (J)	
Callahan	Kirkland	Proctor	Weeks	
Cook	Little	Smith	White	
Goodwin	Martin			—13

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 55. COMMENDING MR. MICHAEL S. GROSS, RECIPIENT OF THE KERMIT JOHNSON AWARD BY THE UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 54. DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U.S. HIGHWAY 78 IN LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT the Ashville Road, from Whitmire Street to U.S. Highway 78 in Leeds, Jefferson County, Alabama, is hereby designated, and shall henceforth and forever be known, as an "Extension of Highway 119."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said road as an "Extension of Highway 119."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 10. To include a definition of a Religious Child Care FACILITY, §38-7-2, (13), and provide an exemption, §38-7-18, for religious child care facilities from state control.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	St. John	
Callahan	Hall	Little	Taylor	
Cook	Harrison	Miller	Teague (B)	
Denton	Holmes	Proctor	Teague (J)	—15

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 71. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Messrs.:	Little	Parsons	Smith	
Callahan	Martin	Proctor	Taylor	
Goodwin	Miller	Robertson	Weeks	
Kirkland	Mitchem	St. John	White	—15

Nays: —0

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

The Bill:

S. 6. To amend Section 40-9-13, Code of Alabama 1975, which exempts certain named organizations from taxation, so as to add the Shoals Presbyterian Apartments, Inc., to the list of exempt organizations.

was taken up.

Mr. Little offered the following amendment to the Bill, S. B. 6, to-wit:

AMENDMENT TO S. B. 6

Amend Senate Bill No. 6, by inserting after the word "Inc.," on page 1, line 10, line 18, line 37 and page 2 line 17

add: Operation Home Inc. of Decatur, Alabama and East Alabama Services for the Elderly, Inc. of Lee County Alabama.

Which was adopted.

Yeas 10; Nays 3.

Yeas:

Messrs.:	Kirkland	Miller	Robertson	
Denton	Little	Mitchem	Vacca	
Higginbotham	Martin	Parsons		—10

Nays: Messrs.: Cook, Weeks and White. —3

And said Bill, S. B. 6, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 2.

Yeas:

Messrs.:	Goodwin	Martin	Taylor	
Callahan	Higginbotham	Parsons	Teague (J)	
deGraffenried	Kirkland	Proctor	Vacca	
Denton	Little	Robertson	White	—15

Nays: Messrs.: Mitchem and Weeks. —2

And the Acting President and Presiding Officer of the Senate declared a quorum present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Trammell and Biddle:

H. J. 4. 52. COMMENDING STEVEN BLAIR WHITTEN OF MOUNT OLIVE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Cosby:

H. J. R. 53. COMMENDING DR. PAUL EDWARD ALLEN FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 52, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 53, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Martin offered the following Senate Resolution, to-wit:

S. R. 25. COMMENDING THE DECATUR DIXIE PRE MAJORS, ALABAMA'S DIXIE MAJOR TEAM BASEBALL CHAMPIONS.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Pegues, Smith (C), Wyatt, Laird and Ward:

H. 71. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 71. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Cosby, Bedsole and Whatley.

H. 48. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any

occupied or unoccupied dwelling or building or railroad locomotive or railroad car or occupied automobiles or any aircraft, and prescribing felony punishment for such acts.

Also:

By Rep. Riddick:

H. 81. To provide for the crime of prostitution as a Class A misdemeanor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 48 and 81. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 110. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Also:

By Rep. Payne:

H. 65. To make a conditional supplemental appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1982, for each High School Band.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 110. To the Committee on Judiciary.

H. B. 65. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 101. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Also:

By Reps. Patton, Riddick, Bedsole, Minus, Olive and Harper (T):

H. 55. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

Also:

By Reps. Patton, Riddick, Bedsole, Minus, Olive and Harper (T):

H. 56. To amend Section 15-19-1 Code of Alabama, 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 101, 55, and 56. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Albright and Smith (J) (with notice and proof):

H. 140. Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 140, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McCorquodale:

H. 67. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 140. To the Committee on Local Legislation No. 1.

H. B. 67. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 108. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Also:

By Reps. Smith (J) and Bedsole:

H. 107. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Also:

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 102. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

Also:

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 106. To amend Section 12-22-170 of the Code of Alabama, 1975 to provide that a defendant cannot be admitted to bail after a conviction pending appeal unless the sentence imposed is for a term not exceeding ten years and one day.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 108, 107, 102, and 106. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 111. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 111. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Patton, Bedsole, Minus, Olive and Harper (T):

H. 52. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Also:

By Reps. Patton, Riddick, Bedsole, Minus, Olive and Harper (T):

H. 53. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

Also:

By Reps. Clark (G), Cosby, Bedsole, Whatley and Smith (C):

H. 46. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Also:

By Reps. Clark (G), Cosby, Bedsole, Whatley and Smith (C):

H. 49. To define and set the punishment for the crimes of: Unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, 1982 Regular Session. "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Sections 20-2-70, 20-2-73 and 20-2-75, Code of Alabama 1975, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act, and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and to provide an effective date.

Also:

By Reps. Clark (G), Cosby, Bedsole, Whatley and Smith (C):

H. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 52, 53, 46, 49, and 47. To the Committee on Judiciary.

COMMUNICATION FROM SUPREME COURT

THE STATE OF ALABAMA

JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

SPECIAL TERM, 1982

To the Honorable Members of
the State of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

We are in receipt of Senate Resolution 6 sponsored by Senator Higginbotham, which reads as follows:

"BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 1:

"1. Does Section 16-5-8, paragraphs (c) and (d) of Senate Bill 1, concerning the Alabama Higher Education Commission's authority to approve new programs or units or to terminate existing programs and units of instruction, research and public service funded by state funds conflict with Article XIV, Section 264 and Amendment No. 161, Section 1 of the Constitution of Alabama 1901, as amended; that is, would the Alabama Higher Education Commission's authority to approve and/or terminate such programs and units apply equally to all public postsecondary institutions in Alabama regardless of whether they were subject to constitutionally prescribed management and control or statutorily prescribed management and control by their respective boards?"

We answer as follows:

We note that § 16-5-8(c) of S. B. 1 makes no change in existing law. Thus, we do not address that part of the question. Section 16-5-8(d), however, does conflict with Article XIV, § 264, and Amendment No. 161, § 1, of the Constitution of Alabama 1901, as amended.

Both constitutional provisions provide that the state university and Auburn University shall be under the management and control of a board of trustees. Therefore, any diminishment of that authority requires a constitutional amendment. Because management and control of these two institutions is vested in a board of trustees by virtue of the Constitution, the legislature has no authority by act to deprive the board of trustees of their discretion as to the management and control of these institutions. *Stevens v. Thames*, 204 Ala. 487, 86 So. 77 (1920).

Respectfully submitted,

C. C. TORBERT, JR.,
Chief Justice.

HUGH MADDOX,

JAMES H. FAULKNER,

RENEAU P. ALMON,

JANIE L. SHORES,

T. ERIC EMBRY,
Associate Justices.

The foregoing Communication from the Supreme Court was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Amari, Waggoner, Daniels, Smith (C) and Adams (C):

H. 79. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

Also:

By Reps. Smith (C), Laird, Riddick, Turnham, Bennett, Naramore, Daniels, Cheatwood, Pegues, Goodwin, Kelley, Johnson (R. G.), Edwards, Ward, McKee, Harper (O), Moore, Johnson (Roy), Warren, Venable, Hammett, Stewart, Letson, Amari, Lewis, Whatley, Holley, McCorquodale, Coburn, Bedsole, Blake, Carter, Owens, Clark (G), Boles, Parker, Bowling, McMillan, Willis, Adams (C), Carothers, Smith (J), Wyatt and Gafford:

H. 77. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 79 and 77. To the Committee on Judiciary.

ADJOURNMENT

At 6:25 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 12, 1982, at 11 o'clock A.M.

FOURTH LEGISLATIVE DAY
THURSDAY, AUGUST 12, 1982

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Honorable Robert Hall, Fifth Senatorial District.

ROLL CALL

Present:

Messrs.:	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague (B)
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Robertson	Weeks
Goodwin	Kirkland	St. John	White
Gulledge			

—28

JOURNAL

On motion of Mr. Taylor, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice-Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Taylor, leave of absence was granted Messrs. Bailey, Figures, Glass, Lemaster, Pearson, and Proctor for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner

H. J. R. 56. COMMENDING MR. RAFAEL McDANIEL, RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S LAWRENCE MALONE AWARD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 56, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Rains:

H. J. R. 50. REQUESTING A CHANGE IN DUTY HOURS FOR STATE TELEPHONE OPERATORS ON SEPTEMBER 8 AND 9, 1982.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the State telephone operators be required to remain on duty on September 8, 1982, beyond the normal closing hour of 11:30 p.m. and until 1:00 a.m. on September 9, 1982.

BE IT FURTHER RESOLVED, That the State Finance Department be advised, by copy of this resolution, of this request of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 50, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (H):

H. J. R. 51. REQUESTING ALABAMA'S CONGRESSIONAL DELEGATION TO HEAR TESTIMONY FROM REPRESENTATIVES OF THE ALABAMA LEGISLATURE.

WHEREAS, the American economy is in a near depression state with unemployment at its highest level since it hit 25% in 1933 during the great depression; and

WHEREAS, interest rates have destroyed the ability of working Americans to buy the products that must be sold before the economy can possibly turn hard around; and

WHEREAS, small businesses are failing at an alarming rate, and many large corporate businesses are operating in a bankrupt posture as well; and

WHEREAS, the American farmer is hardest hit of all, because of high costs of production, including runaway interest and his total lack of control over the prices of the products he produces and sells; and

WHEREAS, the independent egg producers are now an endangered species, and great numbers of these small businessmen also are at the point of bankruptcy, jeopardizing the jobs of thousands of farm workers who are directly dependent upon the economic and operating ability of these egg-producing employers; and

WHEREAS, food costs are sensitive to the failure of these independent farmers and will respond unfavorably as producer-processor-marketer businesses fail; and

WHEREAS, a possibility exists, however, that these farm families and the jobs of these thousands of farm workers may be saved, without cost to the taxpayers, simply through concern, analysis, permissive legislation and some amount of guidance from the federal level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request Alabama's Congressional Delegation to make itself available to hear testimony from a committee of two people from the legislative House and Senate of Alabama, and should the recommendations of this committee appear to have merit, we would further request that the Alabama Congressional Delegation set a time and date for this committee to testify before the Joint Agriculture Committee of the Congress.

BE IT FURTHER RESOLVED, That we also respectfully request our Delegation to lend every possible assistance to the committee from the Alabama legislature in its effort to properly and effectively present its report and recommendations to the Joint Agriculture Committee of the Congress.

RESOLVED FURTHER, That copies of this resolution be delivered to each member of the Alabama Congressional Delegation with a request that when a date is set for the Alabama legislative committee to testify before the Delegation that the Chairman of the Senate Agricultural Committee, Mr. Hinton Mitchem, and Chairman of the House Agricultural Committee, Mr. Charles Whatley, be so notified.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 90. To authorize Class 1 cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out

programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I Cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Taylor
Britnell	Higginbotham	Miller	Teague (B)
Callahan	Hilliard	Mitchem	Teague (J)
Cook	Holmes	Parsons	Vacca
Denton	Keener	St. John	Weeks
Gulledge	Kirkland	Smith	White
Hall	Little		

—25

Nays: —0

The Bill:

S. 91. To amend Article VII of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, said Article relating to loans to participants, repayment of loans, and life insurance, said Article to be amended in full, said Article to be amended to provide that participant loans shall be repaid in a period of forty-eight months or less from the date of such loan, and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board but not less than seven (7) percent per annum.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Taylor
Britnell	Higginbotham	Miller	Teague (B)
Callahan	Hilliard	Mitchem	Teague (J)
Cook	Holmes	Parsons	Vacca
Denton	Keener	St. John	Weeks
Gulledge	Kirkland	Smith	White
Hall	Little		

—25

Nays: —0

The Bill:

S. 93. To transfer a sum erroneously appropriated to the Administrative Office of the Courts of the Unified Judicial System, pursuant to Section 2 of Act No. 82-569, H. 151, Regular Session 1982, to the Department of Youth

Services for the fiscal year ending September 30, 1982, for a pilot program for the rehabilitation of juvenile first offenders in Northwest Alabama; to authorize the Department of Youth Services to contract for such services.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Taylor	
Britnell	Hilliard	Martin	Teague (B)	
deGraffenried	Holmes	Miller	Vacca	
Denton	Keener	Mitchem	Weeks	
Gulledge	Kirkland	Robertson		—19
Hall				

Nays: —0

The Bill:

S. 86. To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 86, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 86

A BILL TO BE ENTITLED AN ACT

To amend the "Hazardous Waste Management Act of 1978," as amended, and as now appearing as Sections 22-30-24, Code of Alabama 1975, specifically amending Sections 22-30-12, 22-30-13, and 22-30-19 of the Code, so as to correct typographical errors and to clarify the penalties section of the Act; to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are

necessary to comply with federal law and the rules and regulations formulated by the United States Environmental Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to insure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency; and to ensure that the State Board of Health and the Division charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 22-30-12, 22-30-13, and 22-30-19, Code of Alabama 1975, are hereby amended to read as follows:

"§22-30-12.

"(a) Not later than February 8, 1979, the board shall promulgate a permit program for hazardous waste management practices and promulgate criteria for issuing permits and regulations identifying procedures for obtaining permits or approval.

"(b) The Board shall encourage and utilize, to the maximum extend, private enterprise and investment capital in the planning, design, construction and operation of hazardous waste processing facilities and disposal sites.

"(c) General requirements:

"(1) The board shall issue permits for all hazardous waste transportation, storage or treatment facilities and disposal sites constructed and operated in compliance with the regulations, guidelines and standards promulgated by the board. Before any site permit is issued, the board shall give proper notice of the application therefor to the appropriate local governing bodies having jurisdiction over the proposed site and shall hold a public hearing on the matter. The board must approve or disapprove the application within 90 days. Any application not receiving action by the board in the specified time shall be considered approved. The board shall act with all reasonable speed in reviewing the application consistent with protecting the public health and the environment.

"(2) Upon filing of an application by any person proposing to transport, store, treat or dispose of hazardous wastes, the board is authorized to investigate the equipment, facilities and proposed practices of the applicant and all other circumstances and conditions deemed material by the board. The board is authorized to collect from the applicant an amount equal to its expenses in making the investigation.

"(3) No person shall engaged in transporting, storage, treatment or disposal of hazardous wastes without a permit or prior approval from the board. Generators of hazardous waste who merely concentrate and/or prepare such waste for shipment and do not engage in the transportation, storage, treatment or disposal of hazardous waste are exempt from the permit requirement.

"(4) Any person proposing to transport hazardous waste or to construct and operate a site for the storage, treatment and/or disposal of hazardous waste shall submit, prior to the granting of any permit, a surety bond in

which the applicant is the principal obligor and the board is the obligee, or evidence satisfactory to the board of a net worth of an amount equal to 10 times the value of the proposed surety bond. The amount of the bond shall be determined by the board in each individual case, based upon the scope and size of the operation proposed.

"(5) No person shall commence construction of any proposed facility or site without having first filed an application for and received a construction permit from the board.

"(6) No person shall commence operation of any hazardous waste transportation, storage or treatment facility or disposal site without having first obtained a permit from the board.

"(7) No person shall deliver any hazardous wastes to a hazardous waste transportation, storage or treatment facility or hazardous wastes disposal site which has not received a permit from the board.

"(8) Ownership of hazardous waste shall transfer upon receipt of the hazardous waste unless otherwise provided.

"(9) Existing facilities and sites shall be granted a permit variance subsequent to sufficient evidence being presented at a hearing to assure that the facility is, or will be within a reasonable period of time, in compliance with the rules and regulations, guidelines, criteria and standards promulgated by the board.

"(10) Permits or licenses for all hazardous waste transportation, storage or treatment facilities and disposal sites previously issued by the board or by any other agency of the state under any statute shall continue in effect for a minimum period of 60 days following the effective date of the rules and regulations promulgated under this chapter and for such additional period as the board may by rule establish.

"(11) No provisions of this chapter shall be construed to prohibit disposal of hazardous wastes at the site of production or generation if the disposal site is in compliance with this chapter or rules and regulations promulgated hereunder.

"(d) Upon a determination by the board of noncompliance by a facility having a permit under this section with the requirements of this section or of noncompliance with the responsibilities set forth in sections 22-30-14, 22-30-15 and 22-30-16, the board may revoke such permit."

"§22-30-13.

"All persons generating hazardous wastes shall dispose of such wastes in accordance with one of the following methods which shall be detailed by regulations:

"(1) A generator may dispose of such wastes at its own private site, provided such site is operated under a valid permit from the board.

"(2) A generator may dispose of such wastes at a privately operated disposal site, provided such site is operated under a valid permit from the board or, if it is out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency.

"(3) A generator may contract with a private transporter to dispose of such wastes, provided the transporter is operating under a valid permit from

the board and disposes of the waste at a site which is operating under a valid permit from the board or, if out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency.

"(4) A generator may dispose of such wastes at a public site operated under a valid permit from the board or, if out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state program approved by the United States Environmental Protection Agency.

"§22-30-19.

"(a) Whenever the board determines that any person is in violation of any requirement or standard under this chapter or rules and regulations issued hereunder the board shall give written notice to such party of such violation.

"(b) If such violation extends beyond the thirtieth day after notification by the board, the board may issue an order requiring compliance within a specified time period, or, in cases where imminent danger to public health and safety is demonstrated, suspend operations causing such danger until the board determines that adequate steps are being taken to correct such violations; or the board may commence a civil action in the circuit court in the civil action in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.

"(c) Without regard to the thirty day waiting period in subsection (b) of this section, in cases of imminent danger or irreparable damage to public health or safety, the board at any time prior to the expiration of the thirtieth day after notification of violation, may commence an immediate civil action in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunction relief.

"(d) Any order issued under this section shall state the nature of the violation and the time period within which compliance is required. The amount of any civil monetary penalty sought shall be determined by the board on the basis of the seriousness of the violation, and whether any good faith efforts were or are being made to comply with the applicable requirements or standards. If a person fails to take the corrective action required within the time specified in an order issued pursuant to subsection (b) of this section he shall be liable for civil monetary penalties of not more than \$25,000.00 each day for the violation complained of in such order. The board may adopt such assessment procedures as may be promulgated or approved by the United States Environmental Protection Agency or other such federal agencies; and the board may suspend or revoke any permit issued to the violator.

"(e) Any person who violates any requirement of this act shall be liable for a civil monetary penalty in an amount not to exceed \$25,000 for each such violation. Each day of such violation shall, for the purposes of this section, constitute a separate violation. Such civil monetary penalty may be imposed by the Board administratively pursuant to rules and regulations promulgated by the Board, or in accordance with a written consent agreement between the Board and the violator of the requirements of this act.

"(e) (f) Any order of suspension or revocation of a permit shall become final unless the person named in such suspension or revocation order requests a hearing within 30 days after the order or notice of suspension or revocation is served upon such person or persons. Upon such request, the board shall promptly conduct a hearing.

"(f) (g) If a person fails to pay any civil monetary penalty assessed under this section, the board may institute a civil action against such person in the circuit court of any county in which such a person is found, resides or transacts business to collect such penalty or cost. Such court shall have exclusive jurisdiction to hear and decide any such action. The court shall sustain the board's finding of violation and assessment of civil penalty if such action is supported by fair preponderance of the evidence.

"(g) (h) The board is hereby authorized and empowered to compromise and settle any penalty under this section in such amount, which in the discretion of the board may appear appropriate and equitable, to a maximum of 90 percent of the penalty when within one year or such other period as the board may deem reasonable the person takes action to eliminate or correct such violation to the satisfaction of the board.

"(h) (i) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, duly designated officers or employees of the board are authorized to enter, at reasonable times, any establishment or other place maintained by any person where hazardous wastes are generated, stored, created treated or disposed of. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples prior to leaving the premises, such officer or employee shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each such sample equal in volume or weight to the portion obtained. If any analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge. Any records, reports or information obtained from any person under this section shall be subject to the provisions of sections 22-30-9 concerning trade secrets.

"(i) Any person who with criminal negligence;

"(1) Transports any hazardous waste listed under this chapter to a facility which does not have a permit under section 22-30-12,

"(2) Treats, stores, for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter; or

"(3) Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit or

"(4) Makes any false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, be subject to a penalty of not more than \$25,000.00 for each day of violation, which penalty may be recovered in a civil action in circuit court. After such person shall have once been adjudicated to have violated any provision of this subsection (i), such person shall be subject to a penalty of not more than \$50,000.00 per day of violation in any subsequent adjudication of violation of the provisions of this subsection (i),

"(j) Any person who knowingly or with criminal negligence, as that term is defined in Code of Ala. 1975, §13A-2-2(4):

"(1) Transports any hazardous waste listed under this chapter to a facility which does not have a permit under section 22-30-12;

"(2) Treats, stores, for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter; or provided, however, that any generator of a hazardous waste listed under this chapter who stores such waste on-site for 90 days or less shall not be in violation of this subsection;

"(3) Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit or

"(4) Makes any false statement or representative representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, upon conviction, be subject to a fine of not more than \$25,000.00 for each day of violation, or to imprisonment not to exceed ten years, or both. If the conviction is for a violation committed after a first conviction of such person, under this chapter, punishment shall be a fine of not more than \$50,000.00 per day of violation, or by imprisonment of not more than twenty years, or by both."

Section 2. It is expressly provided that no provision of this Act shall be construed to repeal in whole or in part any provision of Act No. 81-1189, H. 24, Third Special Session, 1981.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Health and Welfare then reported the following amendment to the substitute for the Bill, S. B. 86, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 86

Amend Senate Bill No. 86, Page 3, Line 17, by striking out after the word "matter" the remainder of the paragraph and inserting in lieu thereof the following:

"The board must approve or disapprove the application within 120 days. Any application not receiving action by the board in the specified time shall be considered approved."

On motion of Mr. Martin, said amendment was laid on the table.

Mr. Martin then offered the following amendment to the substitute for the Bill, S. B. 86, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 86

Page 2, Line 22, after the word "the"—strike the words "State Board of Health" and insert in lieu thereof "Dept. of Environmental Management"

Which was adopted.

And said substitute, as thus amended, was adopted by the Senate.

Yeas 13; Nays 1.

Yeas:

Messrs.:	Kirkland	Parsons	Teague (J)	
deGraffenried	Little	St. John	Vacca	
Denton	Martin	Taylor	White	
Hilliard	Miller			—13

<i>Nay:</i> Mr. Harrison.	—1
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And said Bill, S. B. 86, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 1.

Yeas:

Messrs.:	Kirkland	Parsons	Teague (J)	
deGraffenried	Little	St. John	Weeks	
Gulledge	Martin	Taylor	White	
Hilliard	Miller			—13

<i>Nay:</i> Mr. Harrison.	—1
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And the President and Presiding Officer of the Senate declared a quorum present but not voting.

RESOLUTIONS

Mr. Little offered the following Senate Resolutions, to-wit:

S. R. 26. MOURNING THE DEATH OF MR. SAMUEL HAMILTON BRADSHAW, JR., OF ALEXANDER CITY, ALABAMA.

Also:

S. R. 27. MOURNING THE DEATH OF MRS. VIRGINIA CHANDLER OF LANETT, ALABAMA.

Which were adopted.

REPORTS OF COMMITTEES

Mr. Little, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Payne:

H. 65. To make a conditional supplemental appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1982, for each High School Band.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Minus and Manley (with notice and proof):

H. 10. Relating to Sumter County; amending Act No. 81-229, H. 730, 1981 Regular Session (Acts 1981, p. 307), which levys a fee on hazardous and nonhazardous waste stored or dumped in the county, so as to provide further for the disposition of said fees.

By Reps. Coburn and Goodwin (with notice and proof):

H. 14. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

By Reps. Coburn and Goodwin (with notice and proof):

H. 15. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 22. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

By Reps. Ray, Sasser, Grimsley and Whatley (with notice and proof):

H. 25. Relating to Barbour County; providing that each member of the Barbour County Board of Education shall receive compensation in the amount of Two Hundred Dollars (\$200.00) for each month during which he serves, which compensation shall be in lieu of other compensation authorized by law, providing for supplemental effect, and providing for its effective date.

By Rep. Ray (with notice and proof):

H. 26. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

By Reps. Clerk (G) and Mitchell (with notice and proof):

H. 39. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

By Rep. Clark (G) (with notice and proof):

H. 40. Relating to Greene County to provide for an expense allowance for the members of the Greene County Board of Education.

By Rep. Clark (G):

H. 42. To propose an amendment to the Constitution of 1901, to repeal amendment number 236, relating to the compensation of certain officers of Greene County.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Clark (G) and Manley (with notice and proof):

H. 43. To amend Act no. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to change the terms of the commissioners from three years to six years and to extend the terms of the present commissioners for such additional period, to provide for the compensation of the members of the racing commission, to provide for the investment of monies deposited to the credit of the racing commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licenses and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commission of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Court-house.

By Rep. Patton (with notice and proof):

H. 51. Relating to Morgan County; to provide for the appointment of the Chairman of the Board of Registrars of Morgan County.

By Reps McMillan and Penry (with notice and proof):

H. 82. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

By Reps. McMillan and Penry (with notice and proof):

H. 84. Relating to Baldwin County; providing that the probate judge shall not receive for record or permit the recording of any instrument, conveying

title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the grantee's and grantor's names and latest complete addresses.

By Rep. Laird (with notice and proof):

H. 124. Relating to Randolph County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a certain fee.

By Rep. Laird (with notice and proof):

H. 125. Relating to Chambers County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a fee which is based on actual costs.

By Rep. Reed:

H. 127. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and powers of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain or assist a public building authority in the financing of county jail facilities and other county buildings; excluding a county lease of such facilities from the county's debt limit; validating Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session; providing for the state revenue department to collect certain county industrial taxes; and repealing an earlier act proposing a similar amendment.

The above Bill was read a second time at length as required by the Constitution.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pegues (With Amendments):

H. 34. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Pegues:

H. 33. To amend Sections 16-5-1, 16-5-2, 16-5-3, 16-5-4, 16-5-5, 16-5-8, 16-5-9, 16-5-10, and 16-5-13, Code of Alabama 1975, known as the Alabama Commission on Higher Education (ACHE) to further define certain terms, establish qualifications for commission members; establish requirements for a quorum of the commission at meetings; provide for appointment of executive officer without conformation of the senate; grant authority to commission

to terminate existing units or programs of instruction for academic credit subject to being overruled by act of the legislature, and amend the commission's powers and duties.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Williams, Daniels, Grimsley, Bowling and Gafford:

H. 64. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

By Rep. Cooley:

H. 95. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

By Reps. Smith (J) and Bedsole:

H. 113. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies, to repeal Code of Alabama 1975, §13A-3-1, §15-16-1, §15-16-24 and all other laws in conflict with this Act.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Smith (J), Bennett and Clark (G) (With Amendment):

H. 114. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith (J) and Bedsole:

H. 118. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

By Reps. Clark (G), Cosby, Bedsole, Whatley and Smith (C):

H. 46. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if

the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

By Reps. Clark (G), Cosby, Bedsole, Whatley and Smith (C):

H. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000 is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

By Reps. Clark (G), Cosby, Bedsole and Whatley:

H. 48. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car or occupied automobiles or any aircraft, and prescribing felony punishment for such acts.

By Reps. Clark (G), Cosby, Bedsole, Whatley and Smith (C):

H. 49. To define and set the punishment for the crimes of: Unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures, to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, 1982 Regular Session, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Sections 20-2-70, 20-2-73 and 20-2-75, Code of Alabama 1975, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies, to provide for severability; and to provide an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Patton, Bedsole, Minus, Olive and Harper (T) (With Substitute):

H. 52. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Patton, Riddick, Bedsole, Minus, Olive and Harper (T):

H. 53. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

By Reps. Patton, Riddick, Bedsole, Minus, Olive and Harper (T):

H. 55. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings, to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Patton, Riddick, Bedsole, Minus, Olive and Harper (T) (With Amendment):

H. 56. to amend Section 15-19-1 Code of Alabama, 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Riddick:

H. 81. To provide for the crime of prostitution as a Class A misdemeanor.

By Reps. Smith (J), Bennett, Bedsole Clark (G):

H. 101. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 102. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of a trial court in certain instances and provides a time within which an appeal must be taken.

By Reps. Smith (J) and Bedsole:

H. 107. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 108. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 110. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

By Reps. Smith (J), Bennett, Bedsole and Clark (G):

H. 111. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 12-8-52 and 15-14-20, Code of Alabama 1975, to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

By Reps. Smith (C), Laird, Riddick, Turnham, Bennett, Naramore, Daniels, Cheatwood, Pegues, Goodwin, Kelley, Johnson (R. G.), Edwards, Ward, McKee, Harper (O), Moore, Johnson (Roy), Warren, Venable, Hammett, Stewart, Letson, Amari, Lewis, Whatley, Holley, McCorquodale, Coburn, Bedsole, Blake, Carter, Owens, Clark (G), Boles, Parker, Bowling, McMillan, Willis, Adams (C), Carothers, Smith (J), Wyatt and Gafford:

H. 77. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lewis, Amari, Waggoner, Daniels, Smith (C) and Adams (C) (With Amendments):

H. 79. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or

controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harvey (with notice and proof):

H. 57. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

By Reps. Albright and Smith (J) (with notice and proof):

H. 140. Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. McCorquodale:

H. 67. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

ADJOURNMENT

At 12:05 P.M., on motion of Mr. Denton, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, August 13, 1982, at 10:00 o'clock A.M.

FIFTH LEGISLATIVE DAY

FRIDAY, AUGUST 13, 1982

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independent Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague (B)
Cook	Hilliard	Mitchem	Teague (J)
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Figures	Kirkland	Robertson	White

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JOURNAL

On motion of Mr. Cook, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE

On motion of Mr. Cook, leave of absence was granted Messrs. Glass, Hall, McDonald, and Pearson for today.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 52. COMMENDING STEVEN BLAIR WHITTEN OF MOUNT OLIVE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 53. COMMENDING DR. PAUL EDWARD ALLEN FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 54. DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U. S. HIGHWAY 78 IN LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

Also:

H. J. R. 55. COMMENDING MR. MICHAEL S. GROSS, RECIPIENT OF THE KERMIT JOHNSON AWARD BY THE UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 50. REQUESTING A CHANGE IN DUTY HOURS FOR STATE TELEPHONE OPERATORS ON SEPTEMBER 8 AND 9, 1982.

Also:

H. J. R. 51. REQUESTING ALABAMA'S CONGRESSIONAL DELEGATION TO HEAR TESTIMONY FROM REPRESENTATIVES OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 56. COMMENDING MR. RAFAEL McDANIEL, RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S LAWRENCE MALONE AWARD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 62. COMMENDING MR. SAM H. WAINWRIGHT.

Also:

By Rep. Williams:

H. J. R. 63. COMMENDING SERGEANT CARL K. CANNON FOR MERITORIOUS SERVICE TO THE YOUTH OF FORT RUCKER AND THE DALE COUNTY AREA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolutions, H. J. R. 's 62 and 63, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 22. DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U. S. HIGHWAY 78 IN LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. MOURNING THE DEATH OF MR. HAROLD LEE JOHNSON OF REELTOWN, ALABAMA.

WHEREAS, the Alabama Senate notes with deep sadness and regrets the death of Mr. Harold Lee Johnson of Reeltown, Alabama, on July 8, 1982, at the age of 61 years; and

WHEREAS, Mr. Johnson, who was a native of Reeltown, Alabama, was one of the state's most active and aggressive agricultural leaders. He served as president of the Alabama Cattlemen's Association in 1971, following service as a state director and as vice president of ACA; and

WHEREAS, Mr. Johnson was instrumental in organizing the Alabama Cattle Marketing Association, and served as the first president of the Southeast Alabama Cattle Marketing Association; and

WHEREAS, Mr. Johnson's farm won the Goodyear Award as the Outstanding Conservation Farm in the State in 1956; now, therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we grievously mourn the death of Harold Johnson of Reeltown, Alabama, and extend our deep and sincere sympathy to his wife, Ruth Belyeu; his children, JoAnn, Randall and John, for whom a copy of this resolution shall be provided.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sandusky, Kennedy, Zoghby, Harper (T), Bedsole, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb,

Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt:

H. J. R. 68. SUPPORTING BALANCED BUT EXPEDITED ENERGY DEVELOPMENT.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in her history, with declining business activity and a resultant loss in jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business, the state's attraction to new business, and an improved standard of living for Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid all Alabamians; and

WHEREAS, thirty years of experience and several environmental studies have shown energy production can exist in harmony with the environment and the seafood and tourist industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support balanced but expedited energy development and in particular oil and gas development of the state's offshore acreage for the benefit of all Alabamians.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 68, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 66. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Friday, August 13, 1982, they adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 66, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (with notice and proof):

H. 83. Relating to Baldwin County; to provide for the appointment of a special judge when the probate judge is incompetent, absent, sick, etc.; providing for the powers and duties of the special judge and force and effect, etc., of judgments, orders and decrees thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 83, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 128. To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 128, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Pegues (with notice and proof):

H. 145. Relating to the City of Marion in Perry County, Alabama, authorizing that municipality from time to time, to engage the Fourth Judicial Circuit District Attorney to prosecute criminal cases in the Municipal Court of this municipality and to prosecute in the Circuit Court of Perry County, Alabama those cases appealed thereto from such Municipal Court; and prescribing that there shall be no conflict with the duties of such District Attorney in the Fourth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 145, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON
Clerk.

Also:

By Rep. Cooley:

H. 156. Relating to the 32nd Judicial Circuit, to amend Act 82-676, 1st Special Session, 1982, so as to provide for the means of electing certain judges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 83, 128, 145, and 156. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Moore, Shoemaker, Dial and Johnson (R. G.) (with notice and proof):

H. 30. Applying to Talladega County; regulating the sale of certain alcoholic beverages in such county, specifically permitting the sale of such beverages in certain places in such county; levying privilege or license taxes on the sale of spirituous or vinous liquor within the county in addition to all other taxes and licenses now imposed by general law; providing certain rules and regulations for the enforcement and collection of the license taxes levied under this Act; authorizing the probate judge to provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license taxes levied under this Act; prescribing sanctions and penalties for violations of this Act; and specifically repealing certain Acts which are superseded hereby, namely, Act No. 1599 of the Regular Session of 1971 and Act Nos. 79-609 and 79-812 of the Regular Session of 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 30, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 30. To the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 16. To amend the definitions contained in Section 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Also:

S. 33. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

S. 44. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Also:

S. 45. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge.

Also:

S. 46. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

Also:

S. 60. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

Also:

S. 87. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 29. COMMENDING SARA S. KELLEY.

Which was adopted.

BILLS ON THIRD READING

The Bill:

H. 10. Relating to Sumter County; amending Act No. 81-229, H. 730, 1981 Regular Session (Acts 1981, p. 307), which levys a fee on hazardous and nonhazardous waste stored or dumped in the county, so as to provide further for the disposition of said fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Harrison	Martin	Taylor
Britnell	Hilliard	Miller	Teague (J)
Callahan	Holmes	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Figures	Lemaster		

—25

Nays:

—0

The Bill:

H. 14. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Hilliard	Miller	Taylor
Britnell	Holmes	Mitchem	Teague (J)
Cook	Keener	Parsons	Vacca
Denton	Kirkland	Proctor	Weeks
Goodwin	Lemaster	St. John	White
Gulledge	Little		

—25

Nays:

—0

The Bill:

H. 15. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Gulledge
Bailey	Cook	Goodwin	Harrison

THIRD EXTRAORDINARY SESSION
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Hilliard	Little	Proctor	Teague (J)	
Holmes	Martin	St. John	Vacca	
Keener	Miller	Smith	Weeks	
Kirkland	Mitchem	Taylor	White	
Lemaster	Parsons			—25
<i>Nays:</i>				—0

The Bill:

H. 22. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Harrison	Martin	Smith	
Callahan	Hilliard	Miller	Taylor	
Cook	Holmes	Mitchem	Teague (J)	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland	Proctor	White	
Goodwin	Lemaster			—25
<i>Nays:</i>				—0

The Bill:

H. 25. Relating to Barbour County; providing that each member of the Barbour County Board of Education shall receive compensation in the amount of Two Hundred Dollars (\$200.00) for each month during which he serves, which compensation shall be in lieu of other compensation authorized by law, providing for supplemental effect, and providing for its effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Higginbotham	Miller	Taylor	
Callahan	Holmes	Mitchem	Teague (B)	
Cook	Keener	Parsons	Teague (J)	
Denton	Kirkland	Proctor	Weeks	
Figures	Lemaster	St. John	White	
Goodwin	Little			—25
<i>Nays:</i>				—0

The Bill:

H. 26. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Harrison	Martin	Smith	
Britnell	Hilliard	Miller	Taylor	
Cook	Holmes	Mitchem	Teague (J)	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland	Proctor	White	
Goodwin	Lemaster			—25

Nays: —0

The Bill:

H. 39. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson	
Bailey	Gulledge	Little	Smith	
Britnell	Harrison	Martin	Taylor	
Callahan	Hilliard	Miller	Vacca	
Cook	Holmes	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 40. Relating to Greene County to provide for an expense allowance for the members of the Greene County Board of Education.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas

Messrs.:	Goodwin	Little	Smith	
Bailey	Harrison	Martin	Taylor	
Britnell	Hilliard	Miller	Teague (J)	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
Denton	Kirkland	Robertson	White	
Figures	Lemaster			—25

Nays: —0

The Bill:

H. 42. To propose an amendment to the Constitution of 1901, to repeal amendment number 236, relating to the compensation of certain officers of Greene County.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Harrison	Martin	Taylor
Britnell	Hilliard	Miller	Teague (J)
Callahan	Holmes	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Figures	Lemaster		

—25

Nays: —0

The Bill:

H. 43. To amend Act no. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to change the terms of the commissioners from three years to six years and to extend the terms of the present commissioners for such additional period, to provide for the compensation of the members of the racing commission, to provide for the investment of monies deposited to the credit of the racing commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commission of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Court-house.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Harrison	Martin	Taylor
Britnell	Hilliard	Miller	Teague (J)
Callahan	Holmes	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	White
Figures	Lemaster		

—25

Nays: —0

The Bill:

H. 51. Relating to Morgan County; to provide for the appointment of the Chairman of the Board of Registrars of Morgan County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	Martin	Taylor	
Britnell	Harrison	Miller	Teague (J)	
Callahan	Hilliard	Mitchem	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Proctor	White	
Figures	Kirkland			—25

Nays:

—0

The Bill:

H. 82. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Smith	
Bailey	Hilliard	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague (J)	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays:

—0

The Bill:

H. 84. Relating to Baldwin County; providing that the probate judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the grantee's and grantor's names and latest complete addresses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Cook	Figures
Bailey	Callahan	Denton	Gulledge

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Hilliard	Little	Proctor	Teague (J)
Holmes	Martin	St. John	Vacca
Keener	Miller	Smith	Weeks
Kirkland	Mitchem	Taylor	White
Lemaster	Parsons		

—25

Nays: —0

The Bill:

H. 124. Relating to Randolph County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a certain fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Miller	Taylor
Britnell	Harrison	Mitchem	Teague (J)
Callahan	Hilliard	Parsons	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
Figures	Kirkland		

—25

Nays: —0

The Bill:

H. 125. Relating to Chambers County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a fee which is based on actual costs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Taylor
Bailey	Gulledge	Mitchem	Teague (B)
Britnell	Higginbotham	Parsons	Teague (J)
Callahan	Holmes	Proctor	Vacca
Cook	Keener	St. John	Weeks
Denton	Kirkland	Smith	White
Figures	Little		

—25

Nays: —0

The Bill:

H. 127. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and powers of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain or assist a public building authority in the financing of county jail facilities and other county buildings; excluding a county lease of such facilities from the county's debt limit; validating Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the

1981 Second Special Session; providing for the state revenue department to collect certain county industrial taxes; and repealing an earlier act proposing a similar amendment.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor	
Bailey	Gulledge	Little	St. John	
Britnell	Harrison	Marin	Smith	
Callahan	Hilliard	Miller	Taylor	
Cook	Holmes	Mitchem	Teague (J)	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 57. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Gulledge	Little	Taylor	
Britnell	Harrison	Martin	Teague (J)	
Callahan	Hilliard	Mitchem	Vacca	
Cook	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	Kirkland			—25

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 30. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the third special session, 1982 only:

BILL NO. PAGE NO. DESCRIPTION

H. B. 49	19	Controlled substance act
H. B. 113	17	Abolish insanity defense
H. B. 114	17	Change indictment forms
H. B. 118	18	Pre-release hearing for insane
H. B. 107	22	Mental health depositions

H. B. 102	22	State appeal pre-trial decisions
H. B. 101	22	Certain criminals not eligible work release
H. B. 108	23	Split sentence
H. B. 110	23	State's right to jury trial
H. B. 77	24	Child pornography
H. B. 46	18	Victims present in youthful offender hearings
H. B. 47	18	Bid rigging
H. B. 48	19	Shooting in buildings
H. B. 64	16	Illegal food stamps
H. B. 52	20	Juvenile bill
H. B. 53	20	Commercial bribery
H. B. 55	21	Victim in courtroom
H. B. 56	21	Crimes not eligible for youthful offender
H. B. 81	21	Prostitution illegal
H. B. 111	23	Joinder of offenses
H. B. 95	17	Juvenile probation officers
H. B. 34	15	Alabama Commission on Higher Education
H. B. 33		

And on motion of Mr. Harrison, said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 17. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Also:

S. 23. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Also:

S. 37. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the appointment of a director and employees; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management,

storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Also:

S. 39. To amend §9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Also:

S. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

Also:

S. 53. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Also:

S. 54. To provide for the crime of prostitution as a Class A misdemeanor.

Also:

S. 67. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Also:

S. 68. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 49. To define and set the punishment for the crimes of: Unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, 1982 Regular Session, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Sections 20-2-70, 20-2-73 and 20-2-75, Code of Alabama 1975, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and to provide an effective date.

And said Bill, H. B. 49, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Smith
Bailey	Hilliard	Martin	Taylor
Britnell	Holmes	Miller	Teague (B)
Callahan	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks
Gulledge	Lemaster	Robertson	White
Hall			—24
<i>Nays:</i>			—0

RESOLUTION

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 31. COMMENDING WILLIAM H. OSBORN.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 113. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to

specify the offenses to which this Act applies; to repeal Code of Alabama 1975, §13A-3-1, §15-16-1, §15-16-24 and all other laws in conflict with this Act.

was taken up.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 32. COMMENDING MR. AND MRS. JAMES C. DAVIS ON THEIR SIXTIETH WEDDING ANNIVERSARY.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 13. To define, regulate and license barbers and barber colleges and other like businesses in Morgan County; to create a barbers' commission for said county; to prescribe the powers and duties of said commission and to provide penalty for violation of the provisions hereof.

Also:

S. 14. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Also:

S. 19. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama of any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 496).

Also:

S. 74. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Also:

S. 77. To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until homestead is assigned.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 113

The Senate proceeded to further consideration of the Bill, H. B. 113.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 64. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative of family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 73. To amend Section 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 113

The Senate proceeded to further consideration of the Bill, H. B. 113.

RECESS

At 11:55 A.M., on motion of Mr. deGraffenried, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF H. B. 113

The Senate proceeded to further consideration of the Bill, H. B. 113.

On motion of Mr. Keener, further consideration of the Bill, H. B. 113, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

H. 114. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 114, to-wit:

COMMITTEE AMENDMENT TO H. B. 114

Amend House Bill 114, page 1, by striking out lines 29 and 30 in their entirety and inserting in lieu thereof the following language: "January 1, 1983."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Miller	
Bailey	Gulledge	Kirkland	Mitchem	
Britnell	Harrison	Lemaster	St. John	
Callahan	Higginbotham	Little	Smith	
deGraffenried	Holmes	Martin	Taylor	
Denton				—20

Nays:

—0

And said Bill, H. B. 114, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John	
Bailey	Gulledge	Martin	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Holmes	Mitchem	Teague (B)	
deGraffenried	Kirkland	Parsons	Vacca	
Denton	Lemaster	Robertson	Weeks	
				—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 10. Relating to Sumter County; amending Act No. 81-229, H. 730, 1981 Regular Session (Acts 1981, p. 307), which levys a fee on hazardous and nonhazardous waste stored or dumped in the county, so as to provide further for the disposition of said fees.

Also:

H. 14. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all

the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

Also:

H. 15. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Also:

H. 22. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Also:

H. 25. Relating to Barbour County; providing that each member of the Barbour County Board of Education shall receive compensation in the amount of Two Hundred Dollars (\$200.00) for each month during which he serves, which compensation shall be in lieu of other compensation authorized by law, providing for supplemental effect, and providing for its effective date.

Also:

H. 26. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Also:

H. 39. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Also:

H. 40. Relating to Greene County to provide for an expense allowance for the members of the Greene County Board of Education.

Also:

H. 43. To amend Act no. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to change the terms of the commissioners from three years to six years and to extend the terms of the present commissioners for such additional period, to provide for the compensation of the members of the racing commission, to provide for the investment of monies deposited to the credit of the racing commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify

that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commission of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Court-house.

Also:

H. 51. Relating to Morgan County; to provide for the appointment of the Chairman of the Board of Registrars of Morgan County.

Also:

H. 57. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 82. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Also:

H. 84. Relating to Baldwin County; providing that the probate judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereof the grantee's and grantor's names and latest complete addresses.

Also:

H. 124. Relating to Randolph County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 125. Relating to Chambers County; requiring the county health department to perform soil percolation tests for septic tank installation purposes for a fee which is based on actual costs.

Also:

H. 42. To propose an amendment to the Constitution of 1901, to repeal amendment number 236, relating to the compensation of certain officers of Greene County.

Also:

H. 127. Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and powers of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain or assist a public building authority in the financing of county jail facilities and other county buildings; excluding a county lease of such facilities from the county's debt limit; validating Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session; providing for the state revenue department to collect certain county industrial taxes; and repealing an earlier act proposing a similar amendment.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 62. COMMENDING MR. SAM H. WAINWRIGHT.

Also:

H. J. R. 63. COMMENDING SERGEANT CARL K. CANNON FOR MERITORIOUS SERVICE TO THE YOUTH OF FORT RUCKER AND THE DALE COUNTY AREA.

Also:

H. J. R. 66. Relative to adjourning sine die August 13, 1982.

Also:

H. J. R. 68. SUPPORTING BALANCED BUT EXPEDITED ENERGY DEVELOPMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 49. To define and set the punishment for the crimes of: Unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, 1982 Regular Session, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Sections 20-2-70, 20-2-73 and 20-2-75, Code of Alabama 1975, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 16. To amend the definitions contained in Section 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide

that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Also:

S. 17. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Also:

S. 23. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Also:

S. 33. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

S. 37. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the appointment of a director and employees; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Also:

S. 39. To amend §9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized

by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Also:

S. 44. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Also:

S. 45. To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge.

Also:

S. 46. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

Also:

S. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

Also:

S. 53. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Also:

S. 54. To provide for the crime of prostitution as a Class A misdemeanor.

Also:

S. 60. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

Also:

S. 67. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Also:

S. 68. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

Also:

S. 87. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Also:

S. J. R. 22. DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U.S. HIGHWAY 78 in LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

DON HARRISON,
Vice Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 118. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 118, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cates:

H. J. R. 73. NAMING A STREAM IN CRENSHAW COUNTY THROUGH "POSSUM BRANCH FARMS" IN BRANTLEY, ALABAMA, "POSSUM BRANCH."

WHEREAS, a certain stream which flows through several farms in the Brantley area of Crenshaw County has become the symbol and name of a small community which calls itself "Possum Branch" although such stream has never been officially named; and

WHEREAS, it may seem trivial, but legislative action officially naming such stream would be most meaningful and gratifying to the people of this community; and

WHEREAS, this stream is located 1½ miles west of Brantley, Alabama, on U.S. Highway 29 about 100 yards east of mile marker 71; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby name the stream in Crenshaw County that meanders through "Possum Branch Farms" in Brantley, Alabama, "Possum Branch."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 73, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 76. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 76, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 76

Amend Senate Bill 76, page 1, line 31, after the period by striking the remainder of line 31 and lines 32 and 33 in their entirety and on page 2 by striking lines 5 through 10 in their entirety and inserting in lieu thereof the following: If such a crossing is to be made, the director of the State Highway Department or the official of the Highway Department designated will notify the railroad or railroads involved, stating the time and route of the anticipated move.

HOUSE AMENDMENT TO S. B. 76

Amend Senate Bill 76, page 1, line 28, by striking the following: Said movement shall only be made during the daylight hours.

Yeas 12; Nays 0.

Yeas:

Messrs.:
Bailey
deGraffenried
Goodwin

Higginbotham
Holmes
Kirkland

Miller
Mitchem
Proctor

St. John
Taylor
Weeks

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Clark (W), Stewart, Zoghby, McMillan, Parker, Turner and Buskey:

H. J. R. 77. MOURNING THE DEATH OF DR. P. W. GOODE.

Also:

By Rep. Adams (C):

H. J. R. 79. CONGRATULATING AND COMMENDING THE PHENIX CITY DIXIE MAJORS BASEBALL TEAM ON WINNING THE NATIONAL CHAMPIONSHIP IN THE 17-18 YEAR OLD DIVISION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 77, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rains, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 80. COMMENDING MRS. ANN STEPHENSON UPON HER RETIREMENT FROM SOUTH CENTRAL BELL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 80, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

COMMUNICATION FROM THE SUPREME COURT
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
SPECIAL TERM, 1982

To the Members of the House
of Representatives
State Capitol
Montgomery, Alabama

Dear Representatives:

We are in receipt of House Resolution 13, sponsored by Representative Gafford, which reads as follows:

"BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional questions which have arisen concerning the pending H. J. R. 9, which was introduced to propose a redesignation of the date for holding the election on the constitutional amendment proposed by Act No. 81-889, S. 32, First Special Session, 1981 (Acts, Special Session, 1981, p. 24, August 13, 1981), which provides for making appropriations and time frame therefor.

"The pertinent facts are:

"(a) The Legislature convened, in response to the Governor's proclamation, in its First Special Session 1981 commencing August 4, 1981, and passed the said proposed constitutional amendment in said Act No. 81-889, supra. Section 2 of that act provides in pertinent part:

" 'Section 2. An election upon the proposed amendment is ordered to be held at the first statewide primary or general election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.'

"(b) The Legislature convened, in response to the Governor's proclamation, in its Second Special Session 1981 commencing September 29, 1981.

"(c) The Legislature convened, in response to the Governor's proclamation, in its Third Special Session 1981 commencing November 3, 1981, at which Act No. 81-1190, H. J. R. 75, Third Special Session 1981 (Acts, Special Session, 1981, p.p. 523-524, approved December 4, 1981), which redesignated the election date for March 2, 1981, on certain constitutional amendments [not at issue here] passed during the First, Second and Third Special Session, 1981, and designated the election date for said Act No. 81-889, supra, as follows:

"... provided, however, the Constitutional Amendment proposed by Act No. 81-889, S. 32, 1981 First Special Session shall be placed on the September 1982 primary or the November 1982 general election ballot."

"(c) On March 2, 1982, a general election on certain constitutional amendments was held pursuant to the certification of those amendments by the Secretary of State on December 14, 1981, and the Governor's proclamation on December 14, 1981, which did not include said Act No. 81-889, supra.

"(d) The Legislature convened in Regular Session, as provided by law, on January 12, 1982, during which it passed three resolutions relating to said Act No. 81-889, supra, and the election thereon. These include:

"(i) Act No. 82-414, H. J. R. 165, 1982 Regular Session was passed by the House on March 23, 1982, and by the Senate on April 8, 1982, and provides in pertinent part:

"'BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded and the said constitutional amendment proposed by Act No. 81-889 shall be on the ballot at the first primary or general election in 1984.'

"(ii) Act No. 82-270, H. J. R. 166, 1982 Regular Session, also was passed by the House on March 23, 1982, and by the Senate on April 8, 1982, and provides in pertinent part:

"'BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

"'BE IT RESOLVED FURTHER, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded.'

"(iii) By letter, dated April 19, 1982, the Secretary of State, custodian of Act No. 81-889, supra, returned the said Act to the House of Representatives.

"(iv) Act No. 82-413, H. J. R. 386, 1982 Regular Session was passed in both the House and Senate on April 26, 1982, and provides in pertinent part:

"'WHEREAS, that Alabama Legislature enacted H. J. R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

"'WHEREAS, said H. J. R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

"'WHEREAS, the said H. J. R. 165 stated in pertinent part that:

"'BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him"; and

"'WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, "the bringing on of elections by the two houses

and amending this Constitution" can be only a nullity and is without the constitutional authority of the Governor; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do, in accordance with Sections 125, 284 and 287 Constitution of Alabama 1901, return H. J. R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H. J. R. 165, abide by the requirements prescribed and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated in H. J. R. 165, 1982 Regular Session."

"(e) On July 16, 1982, without prior certification by the Secretary of State in meeting the requirements of Section 284, as amended by Amendment 24, of the Constitution of 1901, 'that the election shall be held in all things in accordance with the law governing general elections,' and as provided by Section 17-7-1, the Honorable Fob James, Governor, proclaimed, 'Tuesday, the 7th day of September 1982' as the election date on said Act No. 81-889, and ordered advertising to commence in each county four successive weeks next proceeding the election.

"(f) The Legislature convened, in response to the Governor's proclamation, in its Third Special Session 1982 on August 9, 1982, and, H. J. R. 9 was introduced and is pending which provides in pertinent part:

"That the election date at the first primary or general election in 1984, as designated by Act No. 82-414, H. J. R. 165, 1982 Regular Session, and Act No. 81-413, H. J. R. 386, 1982 Regular Session, are hereby rescinded and the said constitutional amendment proposed by Act No. 81-889, S. 32 of the First Special Session 1981 (Acts, 1981 Special Session, p. 24), shall be on the ballot at the first general election in 1984."

"The questions are:

"1) Is proclaiming the September 7, 1982, election on Act No. 81-889 within the valid competence of the Governor and a valid appointment within the meaning of Section 284 of the Constitution of 1901, as amended, requiring the Governor to proclaim such election 'in such manner as the Legislature shall direct * * * and the election shall be held in all things in accordance with the law governing general elections?'

"2) Was the redesignation of the election date of said Act No. 81-889, Supra, on 'the ballot at the first primary or general election in 1984' by said Act Nos. 82-414 and 82-413 within the competence of the Legislature and a valid appointment pursuant to said Section 284 of the Constitution of 1901, as amended?

"3) Does the proclaiming of September 7, 1982, as the election date on said Act No. 81-889 by the Governor contravene Section 42 of the Constitution and constitute an encroachment by the executive branch of the powers of the legislative branch of government and thereby render the results of such election null and void?

"4) Was March 2, 1982, the only valid appointment of an election on said Act No. 81-889?

"5) Is it within the competence of this Legislature at this 1982 Third Special Session, pursuant to Section 284 of the Constitution of 1901, as amended, to redesignate the appointment date on the election of Act No. 81-889 at the general election of 1984, and thereby rescind the earlier

election dates even if the Governor has invalidly proclaimed September 7, 1982, for the election?"

In our judgment these five questions are but various ways of asking the question, "Can the legislature change the date of election for a proposed amendment to the Constitution by resolution?" This question has been answered in the affirmative in Opinion of the Justices, 275 Ala. 372, 155 So. 2d 329 (1963):

"Your inquiry, 'Is it within the competence and power of the Legislature at this session by resolution to change the date of holding the election on the constitutional amendment proposed in Act No. 91, H. 37. Second Special Session of 1963?', is answered in the affirmative. Your resolution, H. J. R. 86, proposing to change the date of holding the election on such constitutional amendment is, therefore, valid.

"The present Legislature is the same Legislature which passed Act No. 91 in its Special Session. We see no constitutional impediment in the same Legislature at this succeeding Regular Session changing the date for holding the election on the proposed amendment. Our answer would probably be in the negative if a different Legislature should pass the proposed resolution.

"The legislative process with respect to constitutional amendments is not the exercise of the power of the Legislature to make laws, but is merely to propose such amendments to the consideration and judgment of the electorate and such a proposition is ineffectual unless the requisite majority of the electorate affirmatively approves the proposition submitted. Moreover, the proposal and submission of such amendments may be made by resolution.

"The following authorities support this conclusion: Opinion of the Justices, 252 Ala. 205, 40 So. 2d 623; Opinion of the Justices, 252 Ala. 89, 39 So. 2d 665; Doody v. State, 233 Ala. 287, 171 So. 504; Opinion of the Justices, 227 Ala. 296, 149 So. 781; Jones v. McDade, 200 Ala. 230, 75 So. 988."

This opinion and others on the subject may be found by reference to the annotations to Code 1975, Constitution of 1901, Amendment 24 (Amendment of §284).

In regard to the governor's attempt to proclaim the election for September 7, 1982, we point out that under the Constitution only the legislature has authority to fix the date for holding an election, Amendment 24, *supra*. Opinion of the Justices, 251 Ala. 78, 36 So. 2d 499 (1948). The governor does not have authority to approve or disapprove acts or resolutions proposing constitutional amendments. Constitution of 1901, §287.

Therefore, we are of the opinion that the legislature, by resolution, may validly and constitutionally redesignate the election date for the amendment proposed by Act No. 81-889.

Respectfully submitted,
C. C. TORBERT, JR.,
Chief Justice.
HUGH MADDIX,
RENEAU P. ALMON,
JANIE L. SHORES,
T. ERIC EMBRY,
SAM A. BEATTY,
Associate Justices.

FAULKNER, J. (dissenting).

I concur with the majority that the Legislature can change the date of election for a proposed amendment to the Constitution by resolution.

I dissent from the majority opinion, holding that the Legislature in changing the date of the election has constitutional authority to go beyond the general election of 1982. It is to be noted that the change in date here is the general election of 1984. In my opinion, the legislature is without constitutional authority under Amendment 24, Constitution of Alabama, to set the election on the proposed amendment beyond the 1982 general election.

I interpret the words contained in Amendment 24 "to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the final adjournment of the session of the legislature at which the amendments were proposed," to mean that the election on the proposed amendment must be held, if at all, in the 1982 general election. The language "upon another day appointed by the legislature, not less than three months after the final adjournment" must be interpreted as permitting the Legislature to set a date before the next general election, next succeeding adjournment provided however, that date is at least three months after final adjournment. For example, if the Legislature's final adjournment date is May 1, 1982, the Legislature's final adjournment date is May 1, 1982, the Legislature could either set the date for election on any date after the expiration of three months from May 1, or it can set the date for the 1982 general election. However, the Legislature cannot set the date in the 1984 general election. To say it can is "murdering the King's English" by not giving due regard to English grammar and sentence structure.

I also think that questions 1-4 should be answered. I would answer each in the negative.

Respectfully submitted,

JAMES H. FAULKNER,
Associate Justice.

OSCAR W. ADAMS, JR.,
Associate Justice.

The foregoing Communication from the Supreme Court was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 35. To amend Act No. 82-524 (Regular Session, 1982) to increase funds available and to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received and to provide administrative costs for the State Department of Education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 35, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 35

Amend S. B. 35 on page 1, line 10 by striking the following: to increase funds available and

Further amend S. B. 35 on page 1, lines 14 and 15 by placing a period (.) after the word "received" and striking the following: and to provide administrative costs for the State Department of Education

Further amend S. B. 35, page 1, lines 20 and 21 by striking the following:

to increase funds available and

Further amend S. B. 35, page 1, line 23 by placing a period (.) after the word "received" and striking on line 24 the following: and to provide administrative costs for the State Department of Education

Further amend S. B. 35, page 1, line 30 by striking the figure 150,000 and adding in lieu thereof the figure 50,000

Further amend S. B. 35, page 1, lines 31, 32, 33, 34 and 35 by striking the following:

This Scholarship program shall be administered by the State Superintendent of Education through the State Department of Education which may use no more than \$5,000 of the funds appropriated herein for the administrative costs of the program.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Higginbotham	Little	Robertson
Bailey	Hilliard	Miller	St. John
Britnell	Holmes	Mitchem	Teague (B)
Callahan	Keener	Parsons	Vacca
Denton	Kirkland	Proctor	Weeks
Goodwin	Lemaster		

—21

Nays: —0

RESOLUTION

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING THE OFFICERS AND EMPLOYEES OF THE FARLEY NUCLEAR ENERGY PLANT ON SETTING THE NATIONAL RECORD OF UNINTERRUPTED SERVICE BY UNIT 2.

WHEREAS, the Alabama Legislature notes that during the first year of on-line operation Unit 2 of Farley Nuclear Plant of Alabama Power Company, Dothan, Alabama, set the national record for uninterrupted service for comparable existing first-year on-line reactor plants and even exceeded the national record held by Farley Nuclear Energy Plant Unit 1, a twin to this unit; and

WHEREAS, the outstanding performance of Farley Nuclear Unit 2 far exceeded the national average operation of 75% by 15% for a total of 90% production on-line, and such on-line production of the \$1.5 billion plant is equal to 860 megawatts of electricity which greatly reduced the fuel energy costs for all Alabama residents of the Alabama Power Company; and

WHEREAS, Mr. R. Patrick McDonald, Vice President of the Nuclear Generation Department of Alabama Power Company, brought considerable expertise to the operations of this nuclear reactor plant, having a distinguished naval career serving in the United States Navy's Nuclear Submarine Program and under Admiral Hyman George Rickover, and retiring as Captain of the United States Navy; and

WHEREAS, Mr. George Hariston, a native Alabamian and Dothan resident, and a graduate of Auburn University and Georgia Tech, is the Plant Manager of Farley Nuclear Energy Plant who is a dedicated engineer; and

WHEREAS, the dedicated and skilled six hundred eighty-five employees of the Farley Nuclear Energy Plant who are responsible for the efficient day-to-day on-line production and their performance was excelled the most optimistic estimations; and

WHEREAS, the dedication, skill and cost-awareness of these officers and employees of Farley Nuclear Energy Plant are responsible for reducing the energy fuel cost charge for Alabama citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and congratulate the officers, plant manager and employees of Farley Nuclear Energy Plant, Dothan, Alabama, and we do direct that copies of this resolution be sent to Mr. R. Patrick McDonald, Mr. George Hariston, and a copy appropriate for display, as a token of our appreciation to these officials and employees for serving our citizens so efficiently.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 20. COMMENDING THE PINSON HUMAN RESOURCE CENTER GYMNASTICS TEAM.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Adams (C) and Whatley:

H. J. R. 75. RECOGNIZING THE CONTRIBUTIONS OF THE LATE REVEREND AUSTIN SUMBRY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 75, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 72. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 72, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 72

Amend S. B. 72 on page 19 after line 15 by adding the following as a new Section (4) and renumbering subsequent sections accordingly:

"(4) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 100 pills or more or 100 capsules or more or 70 grams of powder of the substance methaqualone is guilty of a felony, which felony shall be known as 'trafficking in methaqualone.' If the quantity involved:

"(a) Is 100 pills or more, but less than 200 pills or 70 grams of powder or more, but less than 150 grams of powder, such person shall be sentenced to a mandatory term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

"(b) Is 200 pills or more, but less than 400 pills or 150 grams of powder or more, but less than 300 grams of powder, such person shall be sentenced to a mandatory term of imprisonment of five calendar years and to pay a fine of \$100,000.00.

"(c) Is 400 pills or more, or 300 grams of powder or more, such person shall be sentenced to a mandatory term of imprisonment of ten calendar years and to pay a fine of \$250,000.00."

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Bailey	Higginbotham	Martin	St. John
Britnell	Holmes	Miller	Vacca
Callahan	Kirkland	Mitchem	Weeks
Denton	Lemaster	Parsons	White
Goodwin			

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 75. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, and prescribing felony punishment for such acts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 75, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 75

Amend Senate Bill 75 as follows:

In the synopsis, line 12, after the word "cars" by inserting or aircraft or automobile

In the Title, line 16, after the word "car" by inserting or aircraft or automobile

In Section 1, line 22 after the word "car" by inserting or aircraft or automobile.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Britnell	Higginbotham	Little	Vacca
Callahan	Holmes	Martin	Weeks
deGraffenried	Keener	Mitchem	White

—19

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 140. Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

was taken up.

Mr. Smith offered the following amendment to the Bill, H. B. 140, to-wit:

AMENDMENT TO H. B. 140

Amend House Bill No. 140 Page 1 Line 24, by striking out six cents (\$0.06) after the word fund, and inserting in its place

"four cents (\$0.04)"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Teague (B)
Britnell	Harrison	Miller	Teague (J)
Callahan	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures	Lemaster		—25

Nays: —0

And said Bill, H. B. 140, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Teague (B)
Britnell	Harrison	Miller	Teague (J)
Callahan	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White
Figures	Lemaster		—25

Nays: —0

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 34. COMMENDING MR. FRED PARKER OF AUBURN, ALABAMA, AS ONE OF OUR "UNSUNG HEROES" OF WORLD WAR II.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 63. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Kirkland moved that the Senate concur in the following House amendment to the Bill, S. B. 63, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 63

A BILL
TO BE ENTITLED
AN ACT

To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person convicted of any of the following crimes or an attempt to commit any of them, namely: murder, rape in the first degree, assault in the first degree, kidnapping in the first degree, and arson in the first degree, shall not be eligible for work release.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Proctor offered a substitute motion that the Senate non-concur in the House amendment and request a Committee on Conference.

Mr. Kirkland moved that the motion to non-concur be laid on the table, which motion was lost.

The question was then on the motion of Mr. Proctor, which was adopted, and the Senate non-concurred in the House amendment to the Bill, S. B. 63, and requested a Committee on Conference.

Yeas 12; Nays 9.

Yeas:

Messrs.:
Bailey
Denton
Gulledge

Higginbotham
Hilliard
Holmes

Keener
Martin
Proctor

St. John
Vacca
Weeks

Nays:

Messrs.:	Harrison	Miller	Robertson
Britnell	Kirkland	Mitchem	Teague (B)
Goodwin	Little		

—9

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Keener, Proctor, and Kirkland.

BILLS ON THIRD READING RESUMED

The Bill:

H. 107. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Parsons
Bailey	Higginbotham	Little	Robertson
Britnell	Holmes	Martin	St. John
Callahan	Keener	Miller	Vacca
Denton	Kirkland	Mitchem	Weeks
Goodwin			

—20

Nays: —0

The Bill:

H. 102. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 102, was postponed temporarily.

The Bill:

H. 101. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

was taken up.

On motion of Mr. Keener, further consideration of the Bill, H. B. 101, was postponed temporarily.

The Bill:

H. 108. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 108, was postponed temporarily.

RESOLUTION

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 35. BE IT RESOLVED BY THE SENATE That the attached does hereby reflect the orderly sequence of events making up the journal of the Senate for the 4th legislative day, as the recording relates to Committee Reports, being reported after the adoption of an unqualified motion to adjourn.

S. B. 86. H. & W Substitute as amended, motion not to adopt; Yeas: 13, Nays: 1. Rd No. 3 passed—Yeas: 13; Nays: 1. Quorum present but not voting.

S. R. 26. Little—Adopt

S. R. 77. ✓—✓

12:05. Denton motion to adjourn till 10:00 A.M. Friday—Adopted.

	Favorable	Local Leg. No. 1	Read a 2nd time	Referred to Cal.
H. B. 10	✓	✓	✓	✓
H.B. 14	✓	✓	✓	✓
H. B. 15	✓	✓	✓	✓
H. B. 22	✓	✓	✓	✓
H. 25	✓	✓	✓	✓
H. 26	✓	✓	✓	✓
H. 39	✓	✓	✓	✓
H. 40	✓	✓	✓	✓
H. 42	✓	✓	✓	✓
H. 43	✓	✓	✓	✓
H. 51	✓	✓	✓	✓
H. 82	✓	✓	✓	✓
H. 84	✓	✓	✓	✓
H. 124	✓	✓	✓	✓
H. 125	✓	✓	✓	✓
H. 127	✓	✓	✓	✓
H. 34	✓ (W/Amdts.)	✓ (Ed)	✓	✓
H. 33	✓	✓	✓	✓
H. 64	✓	✓	✓	✓

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H. 95	✓	✓	✓	✓
H. 113	✓	✓	✓	✓
H. 114	✓ (W/Amdt.)	✓	✓	✓
H. 118	✓	✓	✓	✓
H. 46	✓	✓	✓	✓
H. 47	✓	✓	✓	✓
H. 48	✓	✓	✓	✓
H. 49	✓	✓	✓	✓
H. 52	✓ (W/Sub.)	✓	✓	✓
H. 53	✓	✓	✓	✓
H. 55	✓	✓	✓	✓
H. 56	✓ (W/Amdt.)	✓	✓	✓
H. 81	✓	✓	✓	✓
H. 101	✓	✓	✓	✓
H. 102	✓	✓	✓	✓
H. 107	✓	✓	✓	✓
H. 108	✓	✓	✓	✓
H. 110	✓	✓	✓	✓
H. 111	✓	✓	✓	✓
H. 77	✓	✓	✓	✓
H. 79	✓ (W/Amdts.)	✓	✓	✓
H. 57	✓	✓	✓	✓
H. 140	✓	✓	✓	✓
H. 67	✓	✓ Gov. Affairs	✓	✓

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Messrs. Phillip Sellers, Sr. and Bob Word to the Alabama Commission on Higher Education.

On motion of Mr. Harrison, the appointment of Mr. Sellers was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John	
Bailey	Harrison	Miller	Smith	
Britnell	Holmes	Mitchem	Teague (J)	
Callahan	Kirkland	Parsons	Vacca	
Denton	Lemaster	Proctor	White	
Goodwin				—20

Nays: —0

On motion of Mr. Harrison, the appointment of Mr. Word was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harrison	Miller	St. John	
Bailey	Higginbotham	Mitchem	Teague (J)	
Britnell	Holmes	Parsons	Vacca	
Callahan	Kirkland	Proctor	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little			—21

Nays: —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

On motion of Mr. Harrison, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Messrs. Little, Bailey, Britnell, Callahan, Cook, deGraffenried, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parson, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 36. WISHING A HAPPY BIRTHDAY TO OUR COLLEAGUE, BOBBY DENTON.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 110. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

was read a third time at length and passed.

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Yeas 20; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Britnell	Harrison	Miller	Teague (B)
Callahan	Higginbotham	Mitchem	Vacca
deGraffenried	Kirkland	Parsons	Weeks
Denton			

—20

Nays: Messrs.: Hilliard and Keener. —2

The Bill:

H. 77. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 77, was postponed temporarily.

The Bill:

H. 46. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

was read a third time at length and passed.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson
Bailey	Harrison	Little	Smith
Britnell	Higginbotham	Miller	Teague (B)
Callahan	Holmes	Mitchem	Vacca
deGraffenried	Keener	Proctor	
Denton			

—19

Nay: Mr. Hilliard. —1

The Bill:

H. 47. To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

was taken up.

Mr. Proctor moved that further consideration of the Bill, H. B. 47, be postponed temporarily, which motion was lost.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 47, was postponed temporarily.

The Bill:

H. 48. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car or occupied automobiles or any aircraft, and prescribing felony punishment for such acts.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 48, was postponed temporarily.

The Bill:

H. 64. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 64, was postponed temporarily.

The Bill:

H. 52. To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 52, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 52

A BILL TO BE ENTITLED AN ACT

To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; and to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12-15-1, 12-15-30, 12-15-33, and 12-15-34, Code of Alabama 1975, are hereby amended to read as follows:

"§ 12-15-1. When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ADULT. An individual 19 years of age or older.

"(2) **AFTERCARE.** Such conditions and supervision as the court orders after release of legal custody.

"(3) **CHILD.** a. Such term, before January 1, 1978, means an individual under the age of 17 or under 19 years of age who committed the act of delinquency with which he is charged before reaching the age of 17 years.

"b. Such term, after December 31, 1977, means an individual under the age of 18 or under 19 years of age and who committed the act of delinquency with which he is charged before reaching the age of 18 years.

"(4) **CHILD IN NEED OF SUPERVISION.** A child who:

"a. Being subject to compulsory school attendance, is habitually truant from school; or

"b. Disobeys the reasonable and lawful demands of his parents, guardian or other custodian and is beyond their control; or

"c. Has committed an offense established by law but not classified as criminal or one applicable only to children; and

"d. In any of the foregoing is in need of care or rehabilitation.

"(5) **COMMIT.** Transfer legal and physical custody.

"(6) **CONSENT DECREE.** An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

"(7) **COURT OR JUVENILE COURT.** The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

"(8) **DELINQUENT ACT.** An act designated a crime under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance; provided, however, that crimes designated as Class A felonies, and any offense arising out of the same incident as a Class A felony charge, committed by one sixteen (16) years of age or older, traffic offenses committed by one sixteen (16) years of age or older and all offenses under the conservation and natural resources laws of the state of Alabama committed by one sixteen (16) years of age or older shall be excepted unless transferred to the juvenile court by the court having jurisdiction.

"(9) **DELINQUENT CHILD.** A child who has committed a delinquent act and is in need of care or rehabilitation.

"(10) **DEPENDENT CHILD.** A child:

"a. Who, for any reason is destitute, homeless or dependent on the public for support; or

"b. Who is without a parent or guardian able to provide for his support, training or education; or

"c. Whose custody is the subject of controversy; or

"d. Whose home, by reason of neglect, cruelty or depravity on the part of his parent, parents, guardian or other person in whose care he may be, is an unfit and improper place for him; or

"e. Whose parent, parents, guardian or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical or other care necessary for such child's health or well-being; or

"f. Who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger his morals, health or general welfare; or

"g. Who has no proper parental care or guardianship; or

"h. Whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory school attendance laws of this state; or

"i. Who has been abandoned by his parents, guardian or other custodian; or

"j. Who is physically, mentally or emotionally abused by his parents, guardian or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them; or

"k. Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

"l. Who has been placed for care or adoption in violation of the law; or

"m. Who for any other cause is in need of the care and protection of the state; and

"n. In any of the foregoing, is in need of care or supervision.

"(11) DETENTION CARE. The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent; provided, however, that detention care may also include temporary care of children in need of supervision until January 1, 1978.

"(12) GUARDIAN AD LITEM. A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

"(13) INTAKE OFFICE. The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.

"(14) JUDGE. Judge of the juvenile court as prescribed by this chapter.

"(15) LAW ENFORCEMENT OFFICER. Any person, however designated, who is authorized by law to exercise the police powers of the state or local governments.

"(16) LEGAL CUSTODIAN. A person, agency or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

"(17) LEGAL CUSTODY. A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom he shall live within the state and the right

and duty to protect, train and discipline him and to provide him with food, shelter, clothing, education and ordinary medical care, all subject to the powers, rights, duties and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

"(18) MINOR. An individual who is under the age of 19 years and who is not a 'child' within the meaning of this chapter.

"(19) PROBATION. The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

"(20) PROTECTIVE SUPERVISION. A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in his home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

"(21) RESIDENTIAL FACILITY. A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment and maintenance for children, including institutions, foster family homes, group homes, halfway houses and forestry camps, and, where not operated by a public agency, licensed or approved to provide such care.

"(22) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation and the responsibility for support.

"(23) SHELTER CARE. The temporary care of children in group homes, foster care or other nonpenal facilities."

"§ 12-15-30. (a) The juvenile court shall exercise exclusive original jurisdiction of the following proceedings, which are governed by this chapter:

"(1) Proceedings, in which a child is alleged to be delinquent, dependent or in need of supervision; and

"(2) Proceedings involving traffic offenses which have been transferred to the juvenile court pursuant to subsection (b) of section 12-15-133 12-15-33.

"(3) Proceedings which have been transferred to the juvenile court from any court having original jurisdiction pursuant to subsection (b) of section 12-15-33.

"(b) The court shall also exercise exclusive original jurisdiction of the following proceedings, which shall be governed by the laws relating thereto:

"(1) Proceedings to determine custody or to appoint a legal custodian or guardian of the person of a child when the child is otherwise before the court. This provision, however, shall not be construed to deprive other courts of the right to determine the custody or guardianship of the person of children when such custody or guardianship is incidental to the determination or cases pending in those courts. Such courts, however, may certify said questions to the juvenile court for hearing and determination or recommendation;

"(2) Removal of disabilities of nonage, including judicial consent to marriage, employment or enlistment when such consent is required by law:

"(3) Proceedings under the Interstate Compact on Juveniles;

"(4) Proceedings for the commitment of a mentally ill or mentally retarded child;

"(5) Proceedings for the adoption of a child when such proceedings have been removed from probate court on motion of any party to the proceedings; and

"(6) Termination of parental rights.

"(c) The court shall have original jurisdiction in proceedings:

"(1) Concerning any child:

"a. Who is in a situation subjecting him to physical, mental or emotional abuse or is in clear and present danger of suffering lasting or permanent damage; or

"b. Who requires emergency medical treatment in order to preserve his life, prevent permanent physical impairment or deformity or alleviate prolonged agonizing pain;

"(2) Where it is alleged that a child's rights are improperly denied or infringed in proceedings resulting in suspension, expulsion or exclusion from a public school."

"§ 12-15-33. (a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that a defendant was a child, as defined in this chapter, at the time of the alleged offense, that court, which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all the papers, documents and transcripts of any testimony connected therewith, to the juvenile court, except when the offense alleged is a Class A felony committed by one sixteen (16) years of age or older. The transferring court shall order that the juvenile be taken forthwith to the place of detention designated by the juvenile court or to the juvenile court itself or shall release him to the custody of his parent or guardian or other person legally responsible for him or under his own recognizance, to be brought before the court at a time designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court, unless that court directs the filing of a petition. The juvenile court shall then proceed as provided in this chapter. All action taken by the court prior to transfer of the case shall be deemed null and void unless the juvenile court transfers under section 12-15-34.

"(b) Any court exercising jurisdiction over felonies, misdemeanors, violations, offenses under the conservation and natural resources laws or traffic offenses may transfer any case involving an the alleged crime, violation or traffic offense by a child, as defined in this chapter, to the juvenile court for adjudication as an act of delinquency, except in the case of a child who has been previously convicted of a felony offense in the adult court.

"§ 12-15-34. (a) The prosecutor may, before a hearing on the petition on its merits and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

"(1) The the child was fourteen (14) or more years of age at the time of the conduct charged and is alleged to have committed an act which would constitute a felony crime if committed by an adult, or

"(2) The child is 14 or more years of age and is already under commitment to an agency, department or institution as a delinquent.

"(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

"(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70.

"(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

"(1) The nature of the present alleged offense;

"(2) The extent and nature of the child's prior delinquency record;

"(3) The nature of past treatment effort and the nature of the child's response to such efforts;

"(4) Demeanor;

"(5) The extent and nature of the child's physical and mental maturity;
and

"(6) The interest of the community and of the child requiring that the child be placed under legal restraint or discipline.

"(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors listed in subsection (d) of this section shall be made by probation services.

"(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion, which shall include a finding or probable cause for believing that the allegations are true and correct.

"(g) Transfer of a child to adult court as herein provided terminates the jurisdiction of the juvenile court over the child with respect to pending delinquent acts."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any portion of this act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 52, and pending substitute, was postponed temporarily.

The Bill:

H. 53. To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 53, was postponed temporarily.

The Bill:

H. 55. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 55, was postponed temporarily.

The Bill:

H. 56. To amend Section 15-19-1, Code of Alabama, 1975, which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

was taken up.

Mr. Proctor moved that further consideration of the Bill, H. B. 56, be postponed temporarily.

On motion of Mr. Kirkland, the motion to postpone was laid on the table.

Yeas 19; Nays 2.

Yeas:

Messrs.:	Goodwin	Keener	St. John
Britnell	Gulledge	Kirkland	Smith
Cook	Harrison	Miller	Teague (B)
deGraffenried	Higginbotham	Proctor	Teague (J)
Denton	Holmes	Robertson	Vacca

—19

Nays: Messrs.: Figures and Hilliard.

—2

And on motion of Mr. Kirkland, further consideration of the Bill, H. B. 56, was postponed temporarily.

On motion of Mr. Vacca, the Rules were suspended in order to bring up the Bill:

H. 65. To make a conditional supplemental appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1982, for each High School Band.

was read a third time at length and passed.

Yeas 16; Nays 2.

Yeas:

Messrs.:	Cook	Denton	Holmes
Britnell	deGraffenried	Hilliard	Martin

Miller
Mitchem
Parsons

Proctor
Robertson

Smith
Teague (J)

Vacca
White

—16

Nays: Messrs.: Higginbotham and Little.

—2

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 13. To define, regulate and license barbers and barber colleges and other like businesses in Morgan County; to create a barbers' commission for said county; to prescribe the powers and duties of said commission and to provide a penalty for violation of the provisions hereof.

Also:

S. 14. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Also:

S. 19. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Also:

S. 64. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to the exclusion ruling.

Also:

S. 73. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Also:

S. 74. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Also:

S. 77. To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the

dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until homestead is assigned.

DON HARRISON,
Vice-Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 56

The Senate proceeded to further consideration of the Bill, H. B. 56.

Mr. Hilliard offered the following amendment to the Bill, H. B. 56, to-wit:

AMENDMENT TO H. B. 56

Amend House Bill 56 Page 1 Line 18, by striking out manslaughter and on line 20 by striking assault in the first and second degree.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Figures	Kirkland	St. John
Britnell	Goodwin	Little	Smith
Callahan	Hilliard	Miller	Teague (B)
deGraffenried	Holmes	Mitchem	Teague (J)

—19

Nays:

—0

And said Bill, H. B. 56, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Harrison	Little	Smith
Britnell	Higginbotham	Miller	Teague (B)
Callahan	Holmes	Mitchem	Teague (J)
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Robertson	

—22

Nays: Messrs.: Figures and Hilliard.

—2

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 56. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, §13A-3-1, §15-16-1, §15-16-24 and all other laws in conflict with this Act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 7. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Smith moved that the Senate concur in and adopt the following House amendment to the Bill, S. B. 7, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 7

Amend S. B. 7 on Page 5, by deleting all of Section 1, (j), on page 5 from lines 25 thru lines 33.

HOUSE AMENDMENT TO S. B. 7

Amend S. B. 7 on page 6, by deleting Section 1, (k) in its entirety.

HOUSE AMENDMENT TO S. B. 7

On page 2, line 26 add the following sentences: The court shall provide to the person convicted a written statement outlining the penalty for subsequent convictions. The statement shall be in duplicate, both copies signed by the defendant who shall retain one copy while the court retains the other.

HOUSE AMENDMENT TO S. B. 7

On page 3 by deleting in Subsection (f) beginning on line 29 all language beginning with the words "In addition" to line 19 on page 5 ending with the words "With law."

HOUSE AMENDMENT TO S. B. 7

Amend Senate Bill 7, on page 6, line 8, by adding a new Section 3 and re-numbering subsequent sections:

Section 3. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Mr. Parsons moved that further consideration of the Bill, S. B. 7, and pending House amendment, be postponed temporarily.

On motion of Mr. Smith, the motion to postpone was laid on the table.

And on motion of Mr. Smith, the Senate concurred in and adopted the House amendment to the Bill, S. B. 7

Yeas 25; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Harrison	Miller	Smith
Britnell	Higginbotham	Mitchem	Teague (B)
Callahan	Holmes	Parsons	Teague (J)
Cook	Keener	Proctor	Vacca
deGraffenried	Kirkland	Robertson	White
Denton	Lemaster		

—25

Nay: Mr. Hilliard.

—1

BILL RECONSIDERED

On motion of Mr. Parsons, the Senate reconsidered the vote by which the Bill, H. B. 65, was passed.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 65, was postponed temporarily.

BILL RECONSIDERED

On motion of Mr. Kirkland, the Senate reconsidered the vote by which the Bill, H. B. 56, as amended, was passed.

On motion of Mr. Kirkland, the Senate reconsidered the vote by which the Bill, H. B. 56, as amended, was ordered to its third reading.

Mr. Callahan offered the following substitute for the Bill, H. B. 56, as amended, to-wit:

SUBSTITUTE FOR H. B. 56, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To repeal sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, otherwise known and referred to as the Alabama youthful offender laws, are hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Hilliard, said substitute was laid on the table.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 56, as amended, to-wit:

COMMITTEE AMENDMENT TO H. B. 56, AS AMENDED

Amend House Bill 56, page 2, line 13, by striking out "and" after the words "burglary in the first"

Further amend House Bill 56, page 2, line 14 by striking out: "second degree" preceding the words "assault in the first and second degree"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Parsons	
Bailey	Gulledge	Kirkland	Robertson	
Britnell	Higginbotham	Lemaster	St. John	
Callahan	Hilliard	Little	Vacca	
Denton	Holmes	Martin		—18

Nays: —0

And said Bill, H. B. 56, as thus amended, was again read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson	
Bailey	Gulledge	Lemaster	St. John	
Britnell	Higginbotham	Little	Teague (B)	
Callahan	Hilliard	Miller	Vacca	
Denton	Holmes	Mitchem		—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 61. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Also:

S. 84. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violations.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 65

The Senate proceeded to further consideration of the Bill, H. B. 65.

On motion of Mr. Parsons, the Senate reconsidered the vote by which the Bill, H. B. 65, was ordered to its third reading.

Mr. Parsons offered the following substitute for the Bill, H. B. 65, to-wit:

SUBSTITUTE FOR H. B. 65

A BILL
TO BE ENTITLED
AN ACT

To make conditional appropriations from the general fund of the state treasury for the fiscal year ending September 30, 1982, to the Hewitt-Trussville High School Band and the Pinson Valley High School Band.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the general fund of the state treasury for the fiscal year ending September 30, 1982, for the following high school bands the stated sums:

(a) Hewitt-Trussville High School Band—\$12,500

(b) Pinson Valley High School Band—\$12,500

The appropriation herein made is supplemental to any and all appropriations heretofore or hereafter made to the respective high school bands.

The above appropriation is conditional upon the condition of the state treasury and the approval of the governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 14; Nays 5.

Yeas:

Messrs.:	Denton	Mitchem	Teague (J)	
Britnell	Goodwin	Parsons	Vacca	
Callahan	Kirkland	Proctor	White	
Cook	Miller	St. John		—14

Nays:

Messrs.:	Higginbotham	Little	Teague (B)	
Bailey	Holmes			—5

And said Bill, H. B. 65, as thus amended by the substitute, was again read a third time at length and passed.

Yeas 14; Nays 4.

Yeas:

Messrs.:	Holmes	Mitchem	St. John	
Callahan	Keener	Parsons	Vacca	
deGraffenried	Kirkland	Proctor	White	
Goodwin	Miller	Robertson		—14

Nays: Messrs. Bailey, Higginbotham, Little and Teague (B). —4

BILLS ON THIRD READING RESUMED

The Bill:

H. 81. To provide for the crime of prostitution as a Class A misdemeanor.
was taken up.

On motion of Mr. Kirkland, further consideration of the Bill, H. B. 81, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 73. NAMING A STREAM IN CRENSHAW COUNTY WHICH MEANDERS THROUGH "POSSUM BRANCH FARMS" IN BRANTLEY, ALABAMA, "POSSUM BRANCH."

Also:

H. J. R. 75. RECOGNIZING THE CONTRIBUTIONS OF THE LATE REVEREND AUSTIN SUMBRY.

Also:

H. J. R. 77. MOURNING THE DEATH OF DR. P. W. GOODE.

Also:

H. J. R. 79. CONGRATULATING AND COMMENDING THE PHENIX CITY DIXIE MAJORS BASEBALL TEAM ON WINNING THE NATIONAL CHAMPIONSHIP IN THE 17-18 YEAR OLD DIVISION.

Also:

H. J. R. 80. COMMENDING MRS. ANN STEPHENSON UPON HER RETIREMENT FROM SOUTH CENTRAL BELL.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 46. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or

if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Also:

H. 107. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Also:

H. 110. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Also:

H. J. R. 2. Relative to appointing a committee to notify the Governor that the Legislature is in session.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 111. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

was taken up.

On motion of Mr. Proctor, further consideration of the Bill, H. B. 111, was postponed temporarily.

The Bill:

H. 95. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

was read a third time at length and passed.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Denton	Keener	Proctor
Bailey	Goodwin	Kirkland	Robertson
Britnell	Harrison	Lemaster	St. John
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried			—20

Nay: Mr. Little. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 114. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Also:

H. 140. Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 80. To amend section 36-27-16, Code of Alabama 1975, relating to the State Employees' Retirement System, so as to change from five years to one year the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Miller, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 80, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 80

A BILL
TO BE ENTITLED
AN ACT

To amend section 36-27-16 and section 16-25-14, Code of Alabama 1975, relating to the State Employees' Retirement System and the Teachers Retirement System, so as to change from five years to two years the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-27-16 and Section 16-25-14, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-27-16. Retirement, etc., of employees; retirement allowances.

(a) (1) RETIREMENT, ETC., OF EMPLOYEES GENERALLY; ELIGIBILITY FOR SERVICE RETIREMENT BENEFITS.

"a. Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service; provided further, that a member employed as a state policeman shall be eligible to file application for service retirement upon attaining age 52.

"b. Any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed 15 years of creditable service and shall have attained age 55 or 52 in case of a state policeman at the time of his withdrawal from service.

"c. Any employee who attains age 70 shall be retired or shall withdraw from service forthwith; except, that any employee may be continued in the state service from year to year on his application, approved by the personnel board, if evidence of physical and mental fitness is furnished; provided further, that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the legislature who has attained age 70 shall not be compelled to retire at age 70, but may continue in service until his retirement is ordered by the house of which he is an officer or employee and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this chapter shall require the dismissal of any person 70 years old or over who fails to join the retirement system within the time specified in this article if such person was in the employ of the state on June 1, 1945.

"d. Notwithstanding the provisions of this section to the contrary, any law-enforcement employee in the department of conservation who has attained age 65 shall be retired forthwith.

"e. Notwithstanding the provisions of this section to the contrary, and state policeman who has attained age 60 shall be retired forthwith; provided,

that any state policeman who attains age 60 may be continued in the state service from year to year on application of said employee, approved by the personnel board, if evidence of physical or mental fitness to carry out his duties is furnished.

"(2) AMOUNT OF SERVICE RETIREMENT ALLOWANCE.

"a. Upon retirement from service a member shall receive a service allowance which shall consist of:

"1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; except, that in the case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, the annuity shall be equal to the annuity that would have been payable upon service retirement at age 60 had the member continued in service to said age 60 without change in compensation;

"2. A pension which shall be equal to the annuity allowance at age of retirement, but not to exceed an annuity allowable at age 65, computed on the basis of contributions made prior to attainment of age 65; except, that in the case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, the pension shall be equal to the annuity that he would have received had he contributed to age 60 without change in compensation; and

"3. An additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at the age of retirement, but which shall not exceed an annuity allowable at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder; except, that in case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age 60, but which shall not exceed an annuity allowable at age 60 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder.

"b. Notwithstanding the provisions of subparagraphs 1, 2 and 3 of paragraph a of this subdivision, a state policeman who has completed 20 years of service as a state policeman who retires after age 52 but prior to age 56 shall receive:

"1. An annuity which shall be equal to the annuity that would have been payable had the member continued in service for four years without change in compensation;

"2. A pension which shall be equal to the annuity that he would have received had he contributed for four years without change in compensation; and

"3. An additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at the age of retirement, but which shall not exceed an annuity allowable at the age of retirement plus four years by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the board of control may use for the

purpose of this article the compensation rate which, if it has progressed with the rates of salary increase shown in the tables as prescribed in subsection (n) of section 36-27-23, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

"c. The annual service retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which, when added to his annuity, is equal to the greater of the following two amounts:

"1. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"d. The annual service retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which, when added to his annuity is equal to the greater of the following two amounts:

"1. Two and seven-eighths percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$86.40 multiplied by a number of years of his creditable service not in excess of 25 years; provided, however, that if such member has completed 20 years of creditable service as a state policeman and has not attained age 60 at the time of retirement, said pension shall be determined as provided in this subparagraph on the basis of the number of years of creditable service which he would have had if he had remained in service for four years, except that, in the case of those state policemen retiring at age 56 or after, the number of years in determining said pension shall not exceed the number of years of creditable service which he would have had if he had remained in service to age 60.

"e. Anything in this article to the contrary notwithstanding, in the application of the foregoing provisions of this subdivision to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman, and the benefit rates applicable to a member not employed as a state policeman shall apply to all creditable service, but in all other respects the pension under this subdivision shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

"f. The annual service retirement pension payable to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the employees' retirement system of Alabama in the manner prescribed in section 36-27-4 and who retires as a state employee after completing a minimum of 15 years' service shall be \$72.00 multiplied by the number of years of his service not in excess of 25 years.

"(b) (1) RETIREMENT OF DISABLED EMPLOYEES: ELIGIBILITY FOR DISABILITY RETIREMENT BENEFITS.

"a. Upon application of a member in service or of his employee, any member who has had 10 or more years of creditable service who becomes disabled may be retired on a disability retirement allowance by the board of

control not less than 30 nor more than 90 days next following the date of filing of such application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

"b. Without regard to the number of years of creditable service, a member employed as a state policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the state of Alabama or as an employee of an employer participating under the provisions of section 36-27-6, shall be retired on a disability retirement allowance, not less than 30 nor more than 90 days next following the date of filing of such application, provided that the medical board, after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

"(2) AMOUNT OF DISABILITY RETIREMENT ALLOWANCE.

"a. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60, or if any law or part of any law pertaining to retirement under the employees' retirement system for Alabama provides for service retirement after the completion of 30 years of creditable service without a reduction in the retirement allowance and the member has completed 30 years of creditable service, or, in the case of a state policeman, if he has attained age 52; otherwise, he shall receive a disability retirement allowance which shall consist of:

"1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

"2. A pension which shall be equal to the pension that would have been payable under subparagraphs 2 and 3 of paragraph a of subdivision (2) of subsection (a) of this section upon service retirement at age 65 had the member continued in service to said age without change in compensation, reduced by one fourth of one percent for each month of retirement prior to age 60, up to maximum reduction of 25 percent.

"b. The annual disability retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greatest of the following two amounts:

"1. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday up to a maximum reduction of 25 percent; or

"2. If he became a member before October 1, 1965, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

"3. If any law or part of any law pertaining to retirement under the employees' retirement system of Alabama provides for service retirement after the completion of 30 years of creditable service without a reduction in the retirement allowance, two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by three percent for each year less than 30 years creditable service up to a maximum to 25 percent.

"c. The annual disability retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

"1. Two and five thirty-seconds percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$64.80 multiplied by the number of years of his creditable service not in excess of 25 years.

"d. Anything in this chapter to the contrary notwithstanding, in the application of the provisions of this subdivision to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman, and the benefit rates applicable to a member not employed as a state police shall apply to all other creditable service, but in all other respects the pension under this subdivision shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

"(3) REEXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF DISABILITY. Once each year during the first five years following the retirement of a member on a disability retirement allowance and once every three-year period thereafter, the board of control may, and upon his application shall, require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician of physicians of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuses to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and, should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of control; provided, that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age 52. Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity exceeds the amount of his average final compensation.

"(c) (1) DISPOSITION OF CONTRIBUTIONS AND ALLOWANCES UPON DEATH, ETC., OF MEMBER. Should a member cease to be an employee except by death or by retirement under the provision of this article, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand and, in addition to such payment, there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall

have not less than 21 but less than 16 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service.

"(2) In the case of death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected option 3, as set forth in subsection (d) of this section;

"(3) In case of the death of a member not eligible for service retirement, after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and has elected option 3 as set forth in subsection (d) of this section or, if the surviving spouse desires, he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under option 3 plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00;

"(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivisions (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

"(d) OPTIONAL ALLOWANCES. With the provision that the election of an option shall be effective on the effective date of retirement, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that:

"(1) OPTION 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

"(2) OPTION 2.—Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

"(3) OPTION 3.—Upon his death, one half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

"(4) OPTION 4.—Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

"(e) (1) EFFECT OF RETURN TO ACTIVE SERVICE. Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 52, his retirement allowance shall be suspended until he again withdraws from service and he shall

not again become a member of the retirement system nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of five two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request of restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any periods subsequent to the date of his reentry into active service and shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

"(2) Should any beneficiary on disability retirement be restored to active service before reaching age 52, he shall again become a member of the retirement system and shall make contributions.

"(f) (1) REDETERMINATION, ETC., OF CERTAIN ALLOWANCES. All retirement allowance payments due on or after October 1, 1975, to members who retired prior to said date shall be redetermined as if the provisions of this section in effect on October 1, 1975, were in effect at the time the member retired. Anything in this article to the contrary notwithstanding, the annual retirement allowance of any member not employed as a state policeman who retired on or before January 1, 1956, shall not be less than \$79.20 multiplied by the number of years of his creditable service not in excess of 30 years in the case of service retirement or \$59.40 multiplied by the number of years of his creditable service not in excess of 30 years in the case of disability retirement. Any increase provided in the retirement allowance payment under this subdivision for a member who retired under the provisions of any optional benefit elected pursuant to subsection (d) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subdivision. Notwithstanding, any member who retired prior to October 1, 1975, and who chose either option 2 or option 3 may elect to receive a reduced allowance and to stipulate that the actuarial equivalent of the increase in his retirement allowance, which became effective on said date, be ascribed to his designated beneficiary; provided, that such member shall clearly express this intention by filing a written application to said effect with the secretary-treasurer of the employees' retirement system of Alabama prior to October 1, 1976.

"(2) Any person who, prior to October 1, 1963, was in receipt of a benefit pursuant to Act No. 376, approved November 6, 1959, but was not a member of the system at the time of retirement shall be entitled to receive an annual retirement allowance from the system, effective October 1, 1971, as follows:

"a. If such person was retired on or before January 1, 1956, an amount equal to \$79.20 multiplied by the number of years of creditable service not in excess of 30 years.

"b. If such person was retired after January 1, 1956, an amount equal to \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(3) Prior to October 31, 1975, any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly allowance which he was receiving prior to October 1, 1975. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in lump sum to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control.

Section 16-25-14. Retirement of members, benefits generally.

"(a) (1) Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service.

"(2) Any member who has attained age 60 and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed at the time for his withdrawal from service the requirements established by the board of control for eligibility for deferred benefits pursuant to section 16-25-3.

"(3) Any teacher in service who has attained age 70 shall be retired or shall withdraw from service forthwith; provided, that with the approval of his employer he may remain in service until the end of the then current school year which shall be no later than June 30 following the date on which he attains age 70.

"(4) Any person who is presently covered or is eligible to be covered under the employees' retirement system of Alabama or the teachers' retirement system of Alabama and who, prior to such coverage or eligibility for coverage, served as head of any Alabama county's public library service department shall have credited to him or her one year of creditable service for each year pay into the retirement system the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect on October 1, 1973.

"(5) Any member of the teachers' retirement system of Alabama, who withdraws from service after the completion of at least 30 years of creditable service, may retire upon written application to the board of control of the teachers' retirement system setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who becomes a member on or after October 1, 1963 shall have completed 10 or more years of creditable service.

"(b) Upon retirement from service, a member shall receive a service retirement allowance which shall consist of:

"(1) An annuity which shall be equal to the actuarial equivalent of his accumulated contributions at the time of his retirement.

"(2) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age 65 computed on the basis of contributions made prior to the attainment of age 65; and

"(3) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowance at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the board of control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in subsection (o) of section 16-25-19, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

"(c) The annual service retirement pension payable to a member retiring on or after October 1, 1975 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

"(1) Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"(2) If he became a member before October 1, 1971, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

Notwithstanding, a member who retired prior to October 1, 1971, under service retirement shall receive \$120.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(d) Upon the application of a member in service or of his employer, any member who has had 10 or more years of creditable service may be retired by the board of control on a disability retirement allowance not less than 30 nor more than 90 days next following the date of filing such an application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

"(e) Upon retirement for disability, a member shall receive a service retirement allowance if he has attained age 60 or if any law or part of any law pertaining to retirement under the teachers' retirement system of Alabama provides for service retirement after the completion of 30 years of creditable service and the member has completed 30 years of creditable service; otherwise, he shall receive a disability retirement allowance which shall consist of:

"(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

"(2) A pension which shall be equal to the pension that would have been payable under subdivisions (2) and (3) of subsection (b) of this section upon service retirement at age 60 had the member continued in service to said age without change in compensation, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent.

The annual disability retirement pension shall not be less than an amount which when added to his annuity is equal to the greater of the following amounts:

"a. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent;

"b. If he became a member before October 1, 1971, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

"c. If any law or part of any law pertaining to retirement under the teachers' retirement system of Alabama provides for service retirement after the completion of 30 years of creditable service, two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month less than 30 years of creditable service up to a maximum of 25 percent.

Notwithstanding, a member who retired prior to October 1, 1971, for disability shall receive \$90.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(f) (1) Once each year during the first five years following the retirement of a member on disability retirement allowance and once in every three-year period thereafter, the board of control may and upon his application shall require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of control.

"(2) Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation.

"(g) (1) Should a member cease to be a teacher, except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall have not less than 21 but less than 26 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service.

"(2) In case of the death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section.

"(3) In case of the death of a member not eligible for service retirement after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section or, if the surviving spouse desires, he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under option 3, plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00.

"(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivision (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

"(h) With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement he shall be considered as an active member at the time of death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at the time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that:

"(1) **OPTION 1.**—If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

"(2) **OPTION 2.**—Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

"(3) **OPTION 3.**—Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

"(4) **OPTION 4.**—Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

"(i) (1) Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 50, his retirement allowance shall be suspended until he again withdraws from service and, he shall not again become a member, nor shall he make contributions; except, that should such beneficiary who has been restored to active

service continue in service for a period of five two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any period subsequent to the date of his reentry into active service; provided further, that he shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

"(2) Should any beneficiary on disability retirement be restored to active service before reaching age 50, he shall again become a member of the retirement system and shall make contributions.

"(j) (1) All retirement allowance payments due on or after October 1, 1975 to members who retired prior to October 1, 1975 shall be redetermined as if the provisions of subsections (b) and (e) of this section which became effective on said date were in effect at the time the member retired; provided, that the annual retirement allowance of any member who retired on or before January 1, 1956 shall be not less than \$132.00 multiplied by the number of years of his creditable service not in excess of 30 years in the case of service retirement of \$99.00 multiplied by the number of years of creditable service not in excess of 30 years in the case of disability retirements. Any increase provided in the retirement allowance payment under this subsection for a member who retired under the provisions of any optional benefit elected pursuant to subsection (h) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection.

"(2) Any person who served at least 30 years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age assistance pursuant to subsections (1) and (2) of section 1 of Act 116, approved August 24, 1959, shall be entitled to receive an annual retirement allowance of \$3,960.00 from the system, effective as of October 1, 1973.

"(3) Prior to October 31, 1975 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with subdivision (1) or (2) of this subsection. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary, the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 15; Nays 0.

Yeas:

Messrs.:
Britnell

Callahan
Cook

deGraffenried
Denton

Higginbotham
Holmes

Little Martin	Miller Mitchem	Proctor St. John	Vacca Weeks	—15
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 34. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for the creation of an Alabama Higher Education Commission; and to provide for notice of an election on the proposed amendment.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, H. B. 34, to-wit:

COMMITTEE AMENDMENT NO. 1 TO H. B. 34

Amend H. B. 34, Page 2, Line 29, by inserting after the word "is" in the blank the following: "H. B. 33".

Mr. Cook moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 13.

Yeas:

Messrs.: Cook deGraffenried	Figures Goodwin	Harrison Parsons	Teague (B) Teague (J)	—8
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Nays:

Messrs.: Bailey Britnell Denton	Higginbotham Holmes Kirkland	Little Martin Miller	Mitchem Weeks White	—13
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And said amendment was then adopted by the Senate.

Yeas 15; Nays 5.

Yeas:

Messrs.: Bailey Britnell Callahan	Denton Higginbotham Kirkland Little	Martin Miller Mitchem Proctor	St. John Vacca Weeks White	—15
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Nays: Messrs.: Cook, deGraffenried, Figures, Goodwin and Teague (B).—5

The Standing Committee on Education than reported the following amendment to the Bill, H. B. 34, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO
H. B. 34, AS AMENDED

Amend H. B. 34, Page 2, Line 6, by striking out "allocation of state funds for capital improvements" after the word program;

Which was adopted.

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Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Little	St. John	
Bailey	Gulledge	Martin	Vacca	
Britnell	Higginbotham	Miller	Weeks	
Callahan	Holmes	Mitchem	White	
deGraffenried	Keener	Proctor		—18
<i>Nay:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 114. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Also:

H. 140. Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 20. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Also:

S. 41. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Also:

S. 71. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests

and frequency and adding the determination of same to be by rule of state board of health.

Also:

S. 66. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

Mr. Harrison moved that further consideration of the Bill, H. B. 34, as amended, be postponed temporarily, which motion was lost.

Mr. Cook moved that further consideration of the Bill, H. B. 34, as amended, be postponed until 6 o'clock this evening.

On motion of Mr. Higginbotham, the motion to postpone was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 28. MOURNING THE DEATH OF MR. HAROLD LEE JOHNSON OF REELTOWN, ALABAMA.

Also:

S. J. R. 33. COMMENDING THE OFFICERS AND EMPLOYEES OF THE FARLEY NUCLEAR ENERGY PLANT ON SETTING THE NATIONAL RECORD OF UNINTERRUPTED SERVICE BY UNIT 2.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 63. To provide that any person convicted of certain crimes of violence shall not be eligible for work release or early parole.

And the Speaker of the House has appointed as Committee on part of the House Reps. Smith (J), Clark (G), and Holley.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 55. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants may be charged in the same indictment, information or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this Act; to provide an effective date; and to specify the cases to which this Act applies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Hilliard moved that further consideration of the following amendment to the Bill, S. B. 35, the title of which is set out in the foregoing Message from the House, be postponed temporarily, which motion was lost, to-wit:

HOUSE SUBSTITUTE FOR S. B. 55

A BILL TO BE ENTITLED AN ACT

To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges

tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Two or more offenses may be joined in an indictment, information or complaint, if they: (1) are of the same or similar character; or (ii) are based on the same conduct or are otherwise connected together in their commission; or (iii) are alleged to have been part of a common scheme or plan.

(b) Felonies and/or misdemeanors may be joined in the same indictment; provided that not more than one offense shall be stated in each count.

(c) If a defendant has been charged in separate proceedings, the court, on its own initiative or on motion of either party, may order, but not later than seven days prior to trial, that the charges be tried together if the offenses could have been joined in a single indictment, information or complaint. Proceedings thereafter shall be the same as if the prosecution initially were under a single indictment, information or complaint. Provided, further, that the court shall not order the offenses to be tried together without first providing the defendant and the prosecution with an opportunity to be heard.

(d) Offenses joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in the following sections. The fact that offenses are jointly tried shall not affect the court's right to sentence separately each offense for which the defendant is convicted and to provide that each sentence shall run concurrently or consecutively the same as if the defendant had been tried separately for each offense.

(e) If it appears that a defendant or the state is prejudiced, to the extent that a fair trial cannot be afforded, by a joinder of offenses in an indictment, information or complaint or for trial as provided in this Act, or if it appears that a defendant's right to a speedy trial will be jeopardized by joinder, the court may order an election or separate trials of counts or charges or provide whatever relief justice may require. Provided however, regardless of the circumstances the court may also order election or separate trials of counts or charges if the parties agree thereto.

(f) A defendant's motion to sever offenses in the circuit court must be made not more than seven days after arraignment or after the filing of a written plea of not guilty prior to trial; in other courts such motion must be made not more than seven days after the filing of the charges. If a ground which was not previously known, and which could not have been discovered previously through the exercise of due diligence, or during the trial, the defendant must move for a severance of counts at the earliest opportunity. Severance is waived if proper motion is not timely made.

(g) No severance of offenses may be ordered after trial has commenced unless the defendant consents or unless a mistrial has been properly declared as to the offenses to be severed. Severance of offenses during trial on motion of defendant or with defendant's consent shall not bar a subsequent trial of that defendant on the offenses severed.

Section 2. (a) Two or more defendants who are charged with a crime or crimes involving the possession, distribution, or manufacture of drugs, or with a violent crime or crimes, or with soliciting, conspiring, or attempting to commit a crime or crimes involving the possession, distribution, or manufacture of drugs, or to commit a violent crime or crimes may be charged in the same indictment, information or complaint if: (1) they are alleged to have participated in the same act or transaction, or (2) when several offenses are a part of common conspiracy, scheme or plan, or (3) when several offenses are so closely connected that it would be difficult to separate the proof of one from the proof of the other. For purposes of this section, the term "violent crime" shall be defined to include any crime which involves a capital offense, murder, manslaughter, assault, kidnapping, rape, sodomy, sexual abuse, burglary, arson, extortion, or robbery.

(b) Such defendants may be charged in one or more counts together or separately, and all of the defendants need not be charged in each count.

(c) If the defendants are charged in separate proceedings, the court, on its own initiative or on motion of any party, may order, but not later than seven days prior to trial, that the defendants be joined for the purposes of trial. Proceedings thereafter shall be the same as if the prosecution initially was under a single indictment, information or complaint. Provided, further, the court shall not order the defendants to be tried together without first providing the defendants and the prosecution with an opportunity to be heard.

(d) Defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in Subsection (e) of this section.

(e) If it appears that a defendant or the State is prejudiced, to the extent that a fair trial cannot be afforded, by a joinder of defendants in an indictment, information or complaint or for trial as provided in this Act, or if it appears that a defendant's right to a speedy trial will be jeopardized by joinder, the court may, after a hearing with reasonable notice to the parties, order separate trials or provide whatever other relief justice requires. Provided however, regardless of the circumstances the court may also order separate trials if all the parties agree thereto.

(f) In ruling on a motion by a defendant for a severance, the court may order the District Attorney or other prosecuting attorney to deliver to the court for inspection in-camera any statements or confessions made by the defendants which the State intends to introduce as evidence in the trial.

(g) A defendant's motion to sever in the circuit court must be made not more than seven days after arraignment or after the filing of a written plea of not guilty prior to trial; in other courts such motion must be made not more than seven days after the filing of the charge or charges. If a ground which was not previously known, and which could not have been discovered previously through the exercise of due diligence, arises thereafter or during the trial, the defendant must move for severance at the earliest opportunity. Severance is waived if the proper motion is not timely-made.

(h) No severance of the defendants may be ordered after trial has commenced unless the defendants consent or unless a mistrial has been declared

as to the defendants to be severed. Severance of offenses during trial upon motion of the defendant or with the defendant's consent shall not bar a subsequent trial of that defendant on the offenses severed.

Section 3. If two or more defendants are tried jointly, their opening statements and closing arguments shall be made in the same order as provided in this Act for exercising their juror strikes, unless they agree upon a different order. This shall not affect the right of the district attorney to open and close both the opening statements and closing arguments.

Section 4. Sections 12-16-101, 15-8-52, and 15-14-20, Code of Alabama 1975, are hereby expressly repealed. Other laws inconsistent with the provisions of this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any portion of this Act shall be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 6. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law, and shall apply to all cases tried after its effective date.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 95. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 11. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to

authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Also:

S. 51. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 55

The Senate proceeded to further consideration of the House amendment to the Bill, S. B. 55.

On motion of Mr. Hilliard, further consideration of the House amendment to the Bill, S. B. 55, was postponed temporarily.

RECESS

At 4:50 P.M., on motion of Mr. Weeks, the Senate took a recess until 5 o'clock P.M.

The recess period having expired, the Senate was called to order by the Acting President and Presiding Officer of the Senate. A quorum of the Senate was present.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 56. To amend Section 15-19-1 Code of Alabama, 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

S. 56. To amend Section 15-19-1 Code of Alabama, 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

RESOLUTION

Messrs. Martin, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. RECOGNIZING SENATOR REO KIRKLAND, JR., OF BREWTON AND REPRESENTATIVE JAMES E. WARREN OF CASTLEBERRY FOR THEIR EFFORTS ON ALABAMA'S FORESTRY STUDY COMMITTEE.

WHEREAS, Act No. 79-711 of the Alabama Legislature charged the Forestry Study Committee, which it created, with the responsibility of identifying, studying, and making a needs assessment of all facets of Alabama's forestry program, and

WHEREAS, this legislative Study Committee, under the able leadership of Senator Reo Kirkland, Jr., of Brewton, as its chairman, and Representative James E. Warren, of Castleberry, as its vice-chairman, has developed meaningful goals which are related to the charter in the legislation, and

WHEREAS, this committee has faithfully discharged its duties and its legislative responsibilities including publication of indepth reports and dissemination of its findings to the public, in the interest of the protection and development of Alabama's great forest resource.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend

Senator Kirkland and Representative Warren, and every member of the Legislative Forestry Study Committee, for their untiring efforts in ensuring that our forestry program meets the needs of the people and that our people meet the needs of forestry in Alabama.

BE IT FURTHER RESOLVED, that Senator Kirkland and Representative Warren receive a copy of this resolution as an expression of our sentiments for their diligent leadership.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 34

The Senate proceeded to further consideration of the Bill, H. B. 34, as amended.

Mr. Parsons moved that further consideration of the Bill, H. B. 34, as amended, be indefinitely postponed, which motion was lost.

Yeas 7; Nays 17.

Yeas:

Messrs.:	Figures	Parsons	Teague (B)	
Cook	Hilliard	Robertson		—7
deGraffenried				

Nays:

Messrs.:	Holmes	Miller	Teague (J)	
Bailey	Keener	Proctor	Vacca	
Britnell	Kirkland	St. John	Weeks	
Callahan	Little	Taylor	White	
Higginbotham	Martin			—17

And said Bill, H. B. 34, as amended, was read a third time at length as required by the Constitution and lost, for failure to receive a constitutional majority.

Yeas 17; Nays 8.

Yeas:

Messrs.:	Higginbotham	Martin	Teague (J)	
Bailey	Holmes	Proctor	Vacca	
Britnell	Keener	St. John	Weeks	
Callahan	Kirkland	Taylor	White	
Harrison	Little			—17

Nays:

Messrs.:	Figures	Miller	Robertson	
Cook	Hilliard	Parsons	Teague (B)	
deGraffenried				—8

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 7. To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

Also:

S. 20. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Also:

S. 35. To amend Act No. 82-524 (Regular Session, 1982) to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received.

Also:

S. 41. To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Also:

S. 56. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, §13A-3-1, §15-16-1, §15-16-24 and all other laws in conflict with this act.

Also:

S. 61. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

Also:

S. 66. To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Also:

S. 71. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Also:

S. 72. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substance Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Also:

S. 75. To prohibit the act of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car or aircraft or automobile, and prescribing felony punishment for such acts.

Also:

S. 76. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Also:

S. 84. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violations.

Also:

S. 80. To amend section 36-27-16 and section 16-25-14, Code of Alabama 1975, relating to the State Employees' Retirement System and the Teachers Retirement System, so as to change from five years to two years the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

DON HARRISON,
Vice-Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 101

The Senate proceeded to further consideration of the Bill, H. B. 101.

And said Bill, H. B. 101, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Britnell	Harrison	Mitchem	Taylor
Callahan	Holmes	Proctor	Vacca
deGraffenried	Kirkland	Robertson	White
Denton	Lemaster		

—21

Nays:

—0

FURTHER CONSIDERATION OF H. B. 111

The Senate proceeded to further consideration of the Bill, H. B. 111.

Mr. Hilliard moved that further consideration of the Bill, H. B. 111, be indefinitely postponed, which motion was lost.

Mr. Teague (J) offered the following amendment to the Bill, H. B. 111, to-wit:

AMENDMENT TO H. B. 111

On page four delete lines 8, 9 and 10 in their entirety and substitute in lieu thereof:

capital offense, murder, first degree assault, kidnapping, rape, or robbery.

Also:

On page 5 delete the words "In-camera" and substitute in lieu thereof:
by the court and all parties

Also:

On page 5, line 7 after the word "defendants" insert a period and delete the remainder of said line and the words "in the trial" on line 8.

Also:

Delete Section 4 in its entirety.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Taylor
Bailey	Higginbotham	Parsons	Teague (B)
Britnell	Hilliard	Proctor	Teague (J)
Callahan	Holmes	St. John	Vacca
deGraffenried	Little	Smith	White
Goodwin	Martin		

—21

Nays:

—0

And said Bill, H. B. 111, as thus amended, was read a third time at length and passed.

Yeas 26: Nays 3

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Harrison	Martin	Taylor
Britnell	Higginbotham	Miller	Teague (B)
Callahan	Holmes	Mitchem	Teague (J)
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	Roertson	White
Goodwin	Lemaster	St. John	

—26

Nays: Messrs.: Figures, Hilliard and Parsons. —3

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 37. RECOGNIZING SENATOR REO KIRKLAND, JR., OF BREWTON AND REPRESENTATIVE JAMES E. WARREN OF CASTLEBERRY FOR THEIR EFFORTS ON ALABAMA'S FORESTRY STUDY COMMITTEE.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 11. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Also:

S.. 51. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Also:

S. J. R. 20. COMMENDING THE PINSON HUMAN RESOURCE CENTER GYMNASTICS TEAM.

Also:

S. J. R. 28. MOURNING THE DEATH OF MR. HAROLD LEE JOHNSON OF REELTOWN, ALABAMA.

Also:

S. J. R. 33. COMMENDING THE OFFICERS AND EMPLOYEES OF THE FARLEY NUCLEAR ENERGY PLANT ON SETTING THE NATIONAL RECORD OF UNINTERRUPTED SERVICE BY UNIT 2.

DON HARRISON,
Vice-Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 101. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by Secretary of the Senate, signed the foregoing bill, the title of which is, set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 111. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be

jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 37. RECOGNIZING SENATOR REO KIRKLAND, JR., OF BREWTON AND REPRESENTATIVE JAMES E. WARREN OF CASTLEBERRY FOR THEIR EFFORTS ON ALABAMA'S FORESTRY STUDY COMMITTEE.

DON HARRISON,
Vice-Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 111. To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance

of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-15-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 3
S. J. R. 4
S. J. R. 5
S. J. R. 7
S. J. R. 9
S. J. R. 10
S. J. R. 12
S. J. R. 13
S. J. R. 14
S. J. R. 15
S. J. R. 16

Delivered to the Governor August 11, 1982, at 2:55 P.M.

S. B. 16
S. B. 17
S. B. 23
S. B. 33
S. B. 37
S. B. 39

THIRD EXTRAORDINARY SESSION
5th Day

237

S. B. 44

S. B. 45

S. B. 46

S. B. 47

S. B. 53

S. B. 54

S. B. 60

S. B. 67

S. B. 68

S. B. 87

S. J. R. 22

Delivered to the Governor August 13, 1982, at 2:30 P.M.

S. B. 13

S. B. 14

S. B. 19

S. B. 64

S. B. 73

S. B. 74

S. B. 77

Delivered to the Governor August 13, 1982, at 3:45 P.M.

S. B. 7

S. B. 20

S. B. 35

S. B. 41

S. B. 56

S. B. 61

S. B. 66

S. B. 71

S. B. 72

S. B. 75

S. B. 76

S. B. 80

S. B. 84

Delivered to the Governor August 13, 1982, at 6:15 P.M.

S. B. 11

S. B. 51

S. J. R. 20

S. J. R. 28

S. J. R. 33

Delivered to the Governor August 13, 1982, at 6:40 P.M.

S. J. R. 37

Delivered to the Governor August 13, 1982, at 7:15 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fourth and Fifth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journals of the Senate for the Fourth and Fifth Legislative Days were approved by the Senate.

ADJOURNMENT

At 6:30 P.M., on motion of Mr. Weeks, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE,
Secretary of the Senate.

IN THE LEGISLATURE OF THE STATE OF ALABAMA**STATE SENATE****THIRD EXTRAORDINARY SPECIAL SESSION 1982****LOBBYIST REGISTRATION**

Bailey, George F., Alabama Railroad Association

Brindley, Joe, University of Montevallo

Brown, David C., University of North Alabama

Cobb, William J., South Central Bell

Davidson, Rudolph, University of Alabama in Birmingham

Douglas, Jack F., Alabama Citizens Action Program

Flanagan, N. H., United Transportation Union

Gibson, Don, Troy State University

Graffeo, Michael G. (Mike), City of Birmingham

Hallam, Philip G., Alabama Wholesale Beer and Wine Association

Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Assn.; Jim Walter Corporation

Hardin, James Taylor, Central Bancshares of the South; 3 M Corporation

Harris, Patrick, Unified Judicial System

Hartsell, Charles Ray, Blue Cross-Blue Shield of Alabama

Holsenbeck, Dan, Auburn University

Ireland, Dennis L., Alabama Council on Alcohol Problems

Livingston, Edwin K., Tax Assessors and Collectors

McEwen, Diane J., Alabama Women's Agenda

McGregor, Tom, Alabama Gas Corporation

Mawhinney, H. A. "Art", Alabama Wholesale Beer and Wine Association

Powell, Jerry A., Jr., Alabama Nursing Home Association

Richardson, E. Clark, Alabama Power Company

Rowe, Charles, Jacksonville State University

Sharpless, Oscar, Association of County Commissions of Alabama

Sorrells, Reginald Lee, Association of County Commissions of Alabama

Spencer, Jerry, Modern Banking Association of Alabama

Spratt, Ronald Lee, City of Birmingham

Trammell, A. G., Alabama AFL-CIO

Tye, Marvin F., Alabama Wildlife Federation

Underwood, Kenneth, South Central Bell

Watkins, John F., Alabama League of Municipalities

Whitaker, Richard C., Medical Association of the State of Alabama

ROSTER OF THE SENATE OF ALABAMA

1982

George D. H. McMillan, Jr., *Lieutenant Governor* State Capitol, Montgomery
 Finis St. John, *President Pro-Tem* Cullman
 McDowell Lee, *Secretary* Montgomery
 Mrs. William R. Lawley, Jr., *Chief Clerk* Montgomery

First Senatorial District
 Bobby Denton 1st Colbert Nat'l. Bank, P. O. Drawer B,
 Sheffield 35660

Second Senatorial District
 Charlie Britnell Northwest Alabama State
 Junior College, Phil Campbell 35851

Third Senatorial District
 Charles B. Martin P. O. Box 2204, Decatur 35602

Fourth Senatorial District
 Finis St. John P. O. Drawer K, Cullman 35055

Fifth Senatorial District
 Robert (Bob) Hall 2601 Carson Road, Birmingham 35215

Sixth Senatorial District
 Albert McDonald Route 1, Madison 35758

Seventh Senatorial District
 Bill Smith 2009 Gallatin St. S.W., Huntsville 35801

Eighth Senatorial District
 James Lemaster Route 2, Box 228, Scottsboro 35768

Ninth Senatorial District
 Hinton Mitchem P. O. Box 297, Albertville 35950

Tenth Senatorial District
 Larry H. Keener 816 Chestnut St., Gadsden 35901

Eleventh Senatorial District
 Dewey White P. O. Box 7685A, Birmingham 35223

Twelfth Senatorial District
 Paschal P. "Pat" Vacca 1617 Mountain Dr., Tarrant 35217

Thirteenth Senatorial District
 J. Richmond Pearson Citizens Federal Building,
 P. O. Box 11135, Birmingham 35202

Fourteenth Senatorial District
 Mac Parsons 603 City Federal Building,
 Birmingham 35203

Fifteenth Senatorial District
 Earl F. Hilliard P. O. Box 11385, Birmingham 35202

Sixteenth Senatorial District
 Ryan deGraffenried, Jr. P. O. Box 2427, Tuscaloosa 35401

Seventeenth Senatorial District	
Doug Cook	P. O. Box 6223-A, Tarrant 35217
Eighteenth Senatorial District	
Lister Hill Proctor	121 North Norton Ave., Sylacauga 35150
Nineteenth Senatorial District	
John A. Teague	P. O. Box 427, Childersburg 35044
Twentieth Senatorial District	
Donald G. Holmes	1915 Robinhood Dr., Oxford 36203
Twenty-first Senatorial District	
T. D. "Ted" Little	P. O. Box 342, Auburn 36830
Twenty-second Senatorial District	
G. J. "Dutch" Higginbotham	Troy State University, Savage Drive, Phenix City 36867
Twenty-third Senatorial District	
Mike Weeks	P. O. Box 322, Troy 36081
Twenty-fourth Senatorial District	
Chip Bailey	P. O. Box 6791, Dothan 36302
Twenty-fifth Senatorial District	
Wallace Miller	100½ No. Main, Enterprise 36330
Twenty-sixth Senatorial District	
Don Harrison	516 S. Perry St., Montgomery 36104
Twenty-seventh Senatorial District	
Barry Teague	P.O. Box 586, Montgomery 36101
Twenty-eighth Senatorial District	
Cordy Taylor	P. O. Box 596, Prattville 36067
Twenty-ninth Senatorial District	
Earl Goodwin	Rt. 7, Box 488, Selma 36701
Thirtieth Senatorial District	
Edward D. "Big Ed" Robertson	P. O. Box 331, Northport 35476
Thirty-first Senatorial District	
Reo Kirkland, Jr.	P. O. Box 646, 102 St. Joseph, Brewton 36426
Thirty-second Senatorial District	
Robert I. "Bob" Gullledge	P. O. Drawer 3376, Robertsdale 36567
Thirty-third Senatorial District	
Michael A. Figures	1407 Davis Avenue, Mobile 36603
Thirty-fourth Senatorial District	
H. L. "Sonny" Callahan	P. O. Box 1208, Mobile 36601
Thirty-fifth Senatorial District	
Bob Glass	733 Lakeshore Dr. W., Mobile 36609

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1982**

FINANCE AND TAXATION

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, Cook, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Taylor, Vacca.

RULES

McDonald, Chairman; Harrison, Vice-Chairman; Teague, Higginbotham, Mitchem, Pearson, St. John.

JUDICIARY

deGraffenried, Chairman; Figures, Vice-Chairman; Britnell, Cook, Harrison, Hilliard, Keener, Kirkland, Parsons, Proctor, Robertson, Teague (B), Teague (J), Vacca, White.

GOVERNMENTAL AFFAIRS

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Hilliard, Holmes, Lemaster, Parsons, Proctor.

AGRICULTURE, CONSERVATION AND FORESTRY

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

BUSINESS AND LABOR RELATIONS

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Figures, Glass, Harrison, Hilliard, Little, Weeks.

EDUCATION

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Hilliard, Little, Taylor, White.

HEALTH AND WELFARE

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

BANKING AND INSURANCE

Bailey, Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague (B), Teague (J), Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague (J), Chairman; Callahan, Vice-Chairman; Goodwin, Keener, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Cook, Hilliard, Parsons, Pearson, Proctor, White.

STANDING COMMITTEE ASSIGNMENTS
FOR 1982
ALABAMA STATE SENATE

24th District

CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

2nd District

CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

34th District

H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

17th District

DOUG COOK—Finance and Taxation; Judiciary; Governmental Affairs; Banking and Insurance; Local Legislation No. 2.

16th District

RYAN deGRAFFENRIED, JR.—Chairman, Judiciary; Health and Welfare; Local Legislation No. 1.

1st District

BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

33rd District

MICHAEL A. FIGURES—Vice-Chairman, Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

35th District

BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

29th District

EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

32nd District

ROBERT I. "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

5th District

ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

15th District

EARL F. HILLIARD—Judiciary; Education; Business and Labor Relations; Governmental Affairs; Local Legislation No. 2.

20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Commerce, Transportation and Utilities.

31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Local Legislation No. 2.

18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

27th District

BARRY TEAGUE—Judiciary; Governmental Affairs; Banking and Insurance

19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Rules; Banking and Insurance.

12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

11th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

HOUSE OF REPRESENTATIVES
THIRD EXTRAORDINARY SESSION, 1982
ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66	Roy W. Johnson, Jr., 47
H. H. "Bill" Adams, 30	Phillip "Phil" B. Kelley, 26
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
William Clark, 98	Arthur Payne, 15
Wayne Cobb, 5	Leigh Pegues, 86
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Steve Cooley, 10	T. Euclid Rains, Sr., 25
W. F. "Noopie" Cosby, Jr., 85	James E. Ray, 68
Bobby C. Crow, 58	Thomas Reed, 67
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ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

1982

THIRD EXTRAORDINARY SESSION

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RICHARD S. (RICK) MANLEY
Speaker Pro-Tem, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

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